INQUIRY

MAGAZINE

MAY 15, 1978 • $1.25

Anita Bryant, Milton Friedman, and You

How Jimmy Carter Protects Big Steel

The Battle Over Indian Land Rights

BIG JIM THOMPSON

Portrait Of a Politician On the Make

By MICHAEL KILIAN

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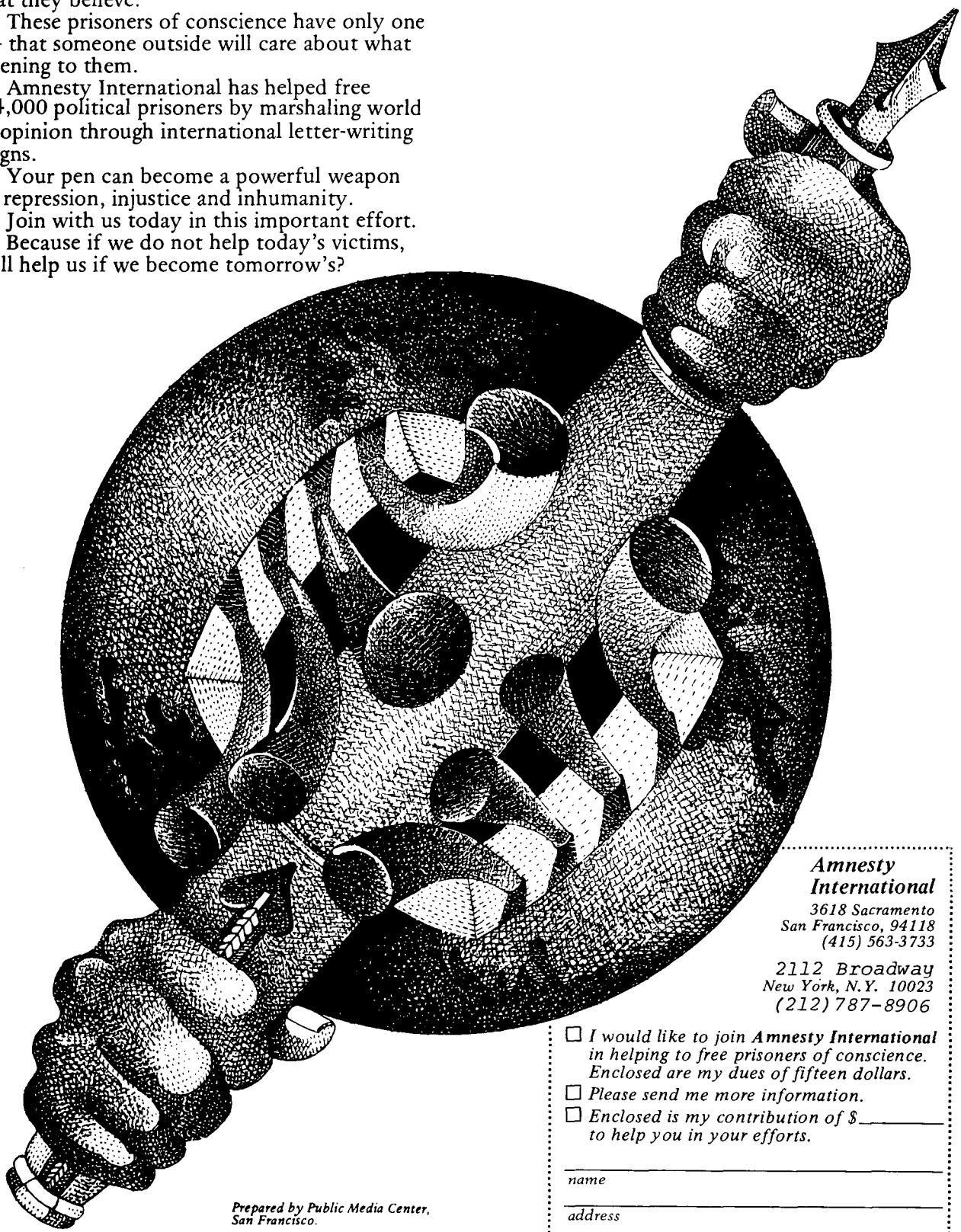

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NOT LONG AGO, WHEN A television interviewer asked Big Jim Thompson if he had made any mistakes as governor of Illinois, the only one Thompson could come up with was that he didn't always answer his mail on time. He should have asked Michael Kilian, the Chicago Tribune columnist who has written the article on Thompson for this issue of INQUIRY. Read it, Big Jim, and weep.

Big Jim Thompson for president?

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RES PUBLICA

Say it isn't so, Ron

■ The House voted today to give President Carter the authority to increase his staff, but Republicans teased him about his campaign promises to whittle down the number of White House employees. . . .

Democrats defended Mr. Carter for not reducing the staff as he had pledged to do. "It's rational, logical and reasonable for a President to move beyond a campaign promise," said Representative Ronald V. Dellums, Democrat of California.

—*New York Times, Apr. 14, 1978*

Another good reason to smoke Paraquat

■ A presidential adviser yesterday said controversy about side effects of Paraquat has overshadowed the success of a program to use the herbicide to destroy Mexican marijuana and poppy fields.

"I think it has been blown out of proportion," said Dr. Peter Bourne, chairman of the President's Council on Drug Abuse Policy. "If we were to stop now because of dubious concerns, it would be a tragedy. . . ."

He also said people who smoke marijuana that has not been treated with Paraquat "are already exposing themselves to health hazards."

—*San Francisco Chronicle, Apr. 4, 1978*

The best defense is a Nuremburg offense

■ Q. Mr. President . . . the Attorney General said yesterday that 68 FBI agents will be disciplined but not prosecuted in connection with the burglary indictments that were—conspiracy indictments—that were handed down yesterday. . . . The decision not to prosecute them apparently was based on the theory that they were following orders. I wondered whether you regard that as an appropriate reason for deciding not to prosecute a law enforcement officer who violates the law?

A. . . . I think that Griffin Bell made the right decision—he made it on his own without consultation with me, by the way—to prosecute the ones who issued the orders. Obviously there are some instances in the military and otherwise, when a heinous crime when committed by someone under orders should be punished. But I think in this case the Attorney General made the right decision.

—*From President Carter's press conference, Apr. 11, 1978*

And if he did, he would still be crazy

■ A court-appointed psychiatrist, Daniel Schwartz, has diagnosed [Son of Sam killer David] Berkowitz as a paranoid. Schwartz has declared Berkowitz mentally incapacitated, because he was unwilling to aid in his only logical defense, a plea of insanity.

—*San Francisco Chronicle, Apr. 4, 1978*

Blaming the victim

■ In a long defense of last week's disputed election for a National Assembly, President Ferdinand E. Marcos charged today that an opposition party had been responsible for most of the reported incidents of cheating, and said that in any case such abuses were not numerous enough to invalidate the election. Mr. Marcos said that he had a large dossier on cheating and harassment of pro-Government voters by the People's Force Party, but said it was "classified."

—*New York Times, Apr. 13, 1978*

Me Tarzan, you Jane

■ The Louisiana Supreme Court, reluctant to tackle the question of sex discrimination, Monday let stand a state law that calls the husband "head and master" and says he may make all the decisions about the property he shares with his wife. . . .

Selina Martin had attacked the "head and master" provision, which legal experts say is a vestige of Spanish influence in Louisiana. It permeates several parts of the state code, and the community property law declares that a husband may handle a couple's property as he sees fit, requiring no consent or permission from his wife.

Lawrence J. Martin, who had been unemployed for years and was supported by his wife, an office worker, had taken out a $5,000 second mortgage on their home, despite her objections.

—*Los Angeles Times, Apr. 11, 1978*

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Carter's Wake Forest speech

Blueprint for Cold War

PRESIDENT JIMMY CARTER'S speech at Wake Forest University in March provides the best evidence to date of the assumptions that underlie his administration's foreign policy. In some quarters, this speech has been interpreted as reflecting only the views of certain hard-line members of Carter's staff—notably Zbigniew Brzezinski, his national security adviser—or as an effort to curry favor with hawks in Congress. In fact, Carter's address is an accurate statement of the administration's private conclusions, particularly those contained in Presidential Directive 18, signed by Carter last August 25. In this speech, Carter has made his public rhetoric match his private perceptions.

Reading Carter's speech, we are struck by the number of similarities between this administration's foreign policy and the doctrines put forward in 1950 in National Security Council Document 68. The recent Soviet successes in Africa and the increase of Soviet military strength in Eastern Europe have apparently reinforced policymakers' convictions that the USSR is an expansionist power bent on world domination. To counter Soviet power, Carter intends to meet strength with strength: "We will not allow any other nation to gain military superiority over us," he pledged. The United States will continue "to match" the strategic nuclear capability of the Russians. But Carter, like Dean Acheson and Harry Truman before him, has had to recognize the limited usefulness of nuclear weapons. The strategic balance between the United States and the Soviet Union has ended the possibility of using nuclear weapons as instruments of leverage in political crises. Since neither side could win a nuclear war, Carter believes that it is necessary for the United States to build conventional forces that can deter or defeat aggression by the Soviets or their allies. This is why Carter has increased the defense budget and allocated a larger portion of war spending to "quickly deployable forces—air, land, and sea—to defend our interests throughout the world."

Behind Carter's strategy lies the assumption—shared by the authors of NSC 68—that the United States has fundamental political, economic, technological, and spiritual advantages over the Soviet Union. Like Acheson in his day, Carter believes that by mobilizing these advantages, the United States can prevail in competition with the Soviets. The lesson Acheson and Truman drew from this kind of analysis was that negotiations with the Soviets were useless except when conducted from a position of strength.

Carter has not yet gone this far. The United States is still negotiating another SALT agreement, though there is fierce behind-the-scenes fighting in Washington about what tactics should be used in the talks. But Carter seems prepared to take a tougher line with the Soviets than was Nixon or Ford. And if the talks fail to yield the results he is seeking, his speech made it clear that the United States will act unilaterally, with military force if necessary, to contest Soviet power and guard the status quo in Europe, Asia, and the Middle East.

Carter's resurrection of these antiquated Cold War postures is the worst kind of folly. The policymakers who followed the logic of NSC 68 were responsible for wars in Korea and Indochina, the acceleration of the arms race, the waste of hundreds of billions of dollars, and the erosion of civil liberties. In a world which has grown even more uncontrollable and dangerous, a return to this kind of logic will yield even crueler results. ❧

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FIRST AMENDMENT WATCH

NAT HENTOFF

Milton Friedman, Anita Bryant, and you

EACH PREVIOUS REPORT here on the state of the First Amendment has dealt with particular assaults on free speech and press by agents of the state—the courts, legislators, myrmidons of the executive branch. There is, however, another way to test the strength of the extraordinary notion that no idea, however noxious, can be silenced without threatening the free exchange of all other ideas. How healthy is the *spirit* of the First Amendment when no state action is involved? When an unpopular citizen is just trying to communicate with other citizens? Especially with citizens of the left, loosely speaking. For does not left also mean libertarian? The hell it does.

Take the meeting in Washington, earlier in the year, of the American Association for the Advancement of Science. Professor Edward Wilson of Harvard was scheduled to speak about his theory of sociobiology, which holds that some human behavior is based on genes inherited from our animal ancestors. A group of demonstrators arrived to take issue with that theory. They lump it with racism, sexism, and other pernicious doctrines. And so they came to debate Professor Wilson, right?

Not quite. They tried to squash the professor's ideas at the source by loudly chanting slogans and pouring water over his head. Clearly, this was not state action. It was old-fashioned vigilantism. So is the almost ceaseless obbligato of jeers that accompanies Professor Milton Friedman in his public appearances. The economist did indeed advise the terrorist government of Chile in 1975—a repellent decision on his part—and he should be challenged on this and on many of his views. But the hooters who show up nearly everywhere Friedman speaks are not interested in challenging his views. They want to wear him down by chanting throughout his talks and trying to short-circuit him in other ways.

Friedman is a doughty soul, but these walking bullhorns with, as he puts it, "the madness on their faces," are indeed cutting him down. After a talk before the University of California at Berkeley's economics department was shattered by shouts through the window and in the hall, Friedman told a *New York Times* reporter: "There is no doubt that if I know I'm going to face an episode like this, I'll be more reluctant to accept an invitation to give a speech. More important, the people who offer invitations will be more reluctant to offer."

In reminding the polity—especially some of its sectors on the left—of Milton Friedman's free-speech rights, I am not advocating that the state silence those who are trying mightily to prevent his exercising those rights. Even roaring demonstrators are themselves protected by the First Amendment, so long as they do not go beyond speech to physical intimidation. (The yo-yos who poured water over Professor Wilson's head would have received no succor even from William O. Douglas). What I am saying is that many of the most righteous paladins of social justice, anti-imperialism, and other egalitarian positions are either ignorant of the essential meaning of the First Amendment or scorn it.

That meaning has been most clearly defined by Aryeh Neier, Executive Director of the American Civil Liberties Union: "The only social order in which freedom of speech is secure is one in which it is secure for everyone." Secure for Milton Friedman as well as William Kunstler, for Edward Wilson as well as Huey Newton. Everyone means *everyone,* under all circumstances. Yet there were cadres in the antiwar movement—out of which some of today's younger "activist" professors have come—who were passionately convinced that certain kinds of speech had no right at all to be heard.

As on a night in the late 1960s, for instance, when South Vietnam's ambassador to the United States, having been invited to speak at New York University, was received in the manner accorded dissidents in Saigon at the time. Shouting and foot-stamping made the words of Thieu's emissary inaudible; water was poured over him; and the ambassador was otherwise instructed in how a free society functions.

I wrote a column the next week suggesting that the stifling egalitarians in the hall that evening were close to resembling those on the "patriotic" right whom they took so much pride in calling their enemies. Some of the resultant letters fiercely instructed me that the Bill of Rights, particularly the First Amendment, was a "bourgeois relic." Others avowed that murderers, and representatives of murderers, had no right to free speech.

MOVING INTO THE 1970s, avatars of Herbert Marcuse's notion of selective free speech expanded their scope. (Marcuse held that under certain circumstances, speech could be legitimately censored if the act of repression furthers the pursuit of truth. He identified "truth" with oppressed peoples' struggles for liberation and real equality. Speech interfering with that "truth" could be prohibited. And so his disciples—and some who came to this glorious notion on their own—decided that so long as the struggle was going on, anyone advocating racist or imperialist ideas ought to have his plug pulled out.)

And so it came to be, in October 1972, that a scheduled debate at the Harvard Law School between Dr. William Shockley (the peddler of racial inequality nostrums) and Roy Innis of CORE was canceled because of pressure from the Black Law Students Association. No large contingent of Harvard faculty members protested the killing of the debate and the attendant bruising of the First Amendment. One who did, Martin Kilson, wrote to the *New York Times*: "The most distressing feature of this whole dreadful affair are the few signs within the Harvard community of the kind of outrage that is necessary to reserve the spread of insensitivity toward free speech and public debate. . . . Something very awful is happening to American intellectual life."

The further free-speech adventures

NAT HENTOFF writes a regular monthly column on civil liberties issues for INQUIRY. His recent books include Does Anybody Give a Damn *and* Jazz Is.

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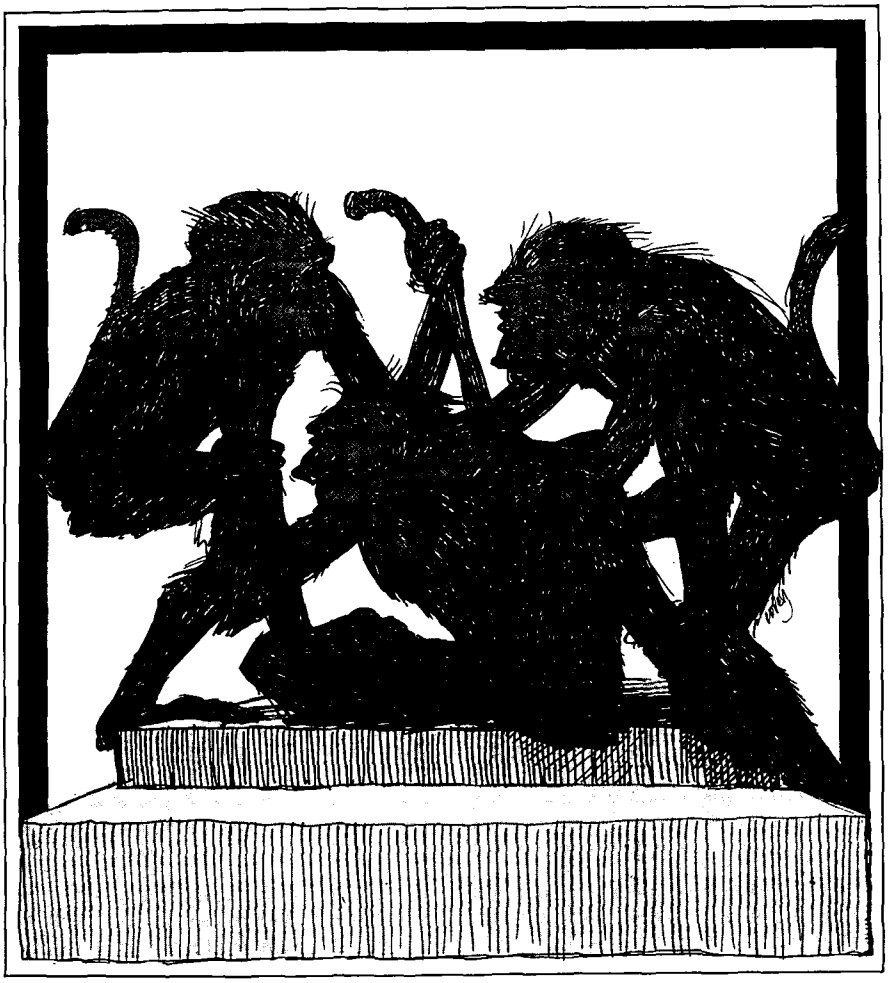

CHRISTOPHER COREY

of William Shockley provide a chilling sense of the low repute in which the First Amendment has been held in recent years by certain politically advanced intellectuals. Although he was disinvited or shouted down at a number of colleges, Shockley's short, brutish history at Yale most instructively distills the poison of virtuous vigilantism.

In 1974, Roy Innis, still thirsting for debate—figuring, correctly, that he's smarter than Shockley—proposed that the Harvard joust be transplanted to Yale. The Yale Political Union agreed. Promptly, in an advertisement in the *Yale Daily News*, officers of the Black Law Students, the Black Students Alliance, and other incensed individuals pledged to "exert all necessary efforts" to prevent the debate. Soon joining their ranks were the Progressive Labor Party at Yale, an organization of Puerto Rican students, and the Asian-American Student Association.

In addition, according to the 1975 "Report of the Committee on Free Expression at Yale," "Catholic, Protestant, and Jewish chaplains of the Yale religious ministry urged cancellation" of the debate. Was God so undependable that He could not be trusted to watch over even so fiery a debate before so ravening an audience?

With the clergy also abandoning the spirit of the First Amendment (except, I suppose, for the "free exercise" of religion clause), the Yale Political Union took back its invitation to Shockley and Innis. Enter Lux et Veritas, another student group. *It* would uphold free speech at Yale. At this point, the Yale Corporation attacked Lux et Veritas for "using" the Yale community to test free speech. (This had become a situation in which parody was impossible.)

But what of the president of Yale, humanist and scholar Kingman Brewster? The president also savaged Lux et Veritas for its "insensitivity." Surely not its insensitivity to free speech? No, said Brewster, Lux et Veritas's "lack of responsible concern for the university seems to me reprehensible."

Wounded by ambush, as it were, Lux et Veritas complained that "intimidation by the Yale Corporation and President Brewster hampers free and open discussion at Yale." And to further make the point, Lux et Veritas withdrew its invitation to the homeless debators, Shockley and Innis.

Next came the Calliopean Society to champion the obviously subversive notion that Yale and free speech were not antithetical. *It* opened its arms to Shockley and Innis; but after repeated pounding by outraged elements of the Yale community, the Calliopean Society also folded. Was all of Yale closed to free inquiry? No, Young Americans for Freedom stepped forth, and would not yield. Under its auspices, Shockley and Innis finally came to Yale. But not a word of theirs was heard, because the audience lustily shouted them down.

Would the results be different four years later, now that many students at Yale and elsewhere are reportedly so career-centered that they would not spare enough extra energy to cut off someone else's speech? I can only speculate, of course, but I would not bet much that Shockley could speak freely in some places even now. And if someone from the South African government came to Yale or to many other campuses, I have a strong sense that the spirit of the First Amendment would be sorely battered before he left.

The point, in any case, is that most people's First Amendment roots are shallow. Free speech is mainly tolerated until it becomes so hateful that it cannot be borne. The lesson of Skokie and the Nazis is obviously not limited to Skokie. And again, it is not limited to "ordinary" folk. I have no doubt that on almost any campus, when passions are next ignited to beat back enemies of "truth," free speech will be found mugged at the back of the gym.

IT IS RIGHTEOUSNESS, AFTER all, that is the worse continuing enemy of the spirit of the First Amendment. The state goes through cycles of attempted repression. But self-anointed keepers of Truth and Redemption are always with us. Consider the free-speech rights of Anita Bryant. I will stipulate my belief that she is a menace to the civil liberties as well as to the economic and political rights of homosexuals. But I will add that she, like William Shockley, or you and I, ought to be able to speak her mind, however baleful that engine is, without being suppressed.

Yet for some time now, in honor of Anita Bryant's right of free expression, campaigns to boycott orange juice have been organized not only by homosexuals but by diverse other egalitarian souls. The aim, of course, has been to force the Florida Citrus Commission to fire Bryant, its spokeswoman—or figurehead, as they used to say in whal-

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ing times.

From the left, there has been hardly any defense of Bryant's right of expression. An exception, because he is a civil libertarian as well as an egalitarian, was Ira Glasser, executive director of the New York Civil Liberties Union. "Anita Bryant," he said, "has taken certain public positions, and certain people who disagree with those positions are trying to punish her economically. This is exactly what happened during the McCarthy years. I see no difference between blacklisting people then through *Red Channels* and blacklisting Anita Bryant now."

But what about the "good" boycotts, like those of particular brands of California grapes and lettuce in support of Cesar Chavez and the farmworkers? And the current boycott of the textile products of J. P. Stevens and Co.? If those boycotts can coexist with the spirit of the First Amendment, what's wrong with putting the squeeze on the Florida Citrus Commission?

Floyd Abrams, the nation's leading First Amendment lawyer, underlines the difference. "The boycotts of California growers and of J. P. Stevens," he says, "are against *actions* by these employers in their business—resisting workers' attempts to get a fair wage, for example, or violating employees' collective bargaining rights. But Anita Bryant is being boycotted because she has engaged in *speech,* including political speech, that has nothing to do with her work advertising orange juice. If this kind of boycott against an individual happens often enough, there has to be a dangerously inhibiting effect on other people's speech."

Again, it is necessary to emphasize that Glasser, Abrams, and I are in no way advocating that the state ever intervene to stop boycotts such as the one presently aimed at disemploying Anita Bryant. This form of boycott is also protected by the First Amendment even though it acts to constrict rather than expand speech. That is, the state has no business telling people whom not to boycott. But those engaged in a campaign that intends to punish personal speech through economic intimidation ought to examine what they're doing.

To aid in that examination, let us turn the situation around. Let us suppose that Anita Bryant had been applying her off-hours to the fervent *advancement* of gay rights. In that event, it is entirely likely—given the present sexual set of the majority mind—that a landslide of abuse would have already stripped her of employment. And as that malign process took hold, gays and their allies would have been clamoring for Bryant's right to speak freely while denouncing those who were gagging her.

Not all homosexual organizations and individuals ignored Anita Bryant's free-speech rights. Speaking for the minority—in a statement that ought to join those of William O. Douglas and Hugo Black among classic commentaries on the First Amendment—Bruce Voeller, co-executive director of the National Gay Task Force, said: "Some of us in the gay movement have received a great deal of criticism from our colleagues for our defense of Anita Bryant's right to speak out against us without losing her job with the Florida Citrus Commission. We have taken a great deal of hostile and angry invective because of fellow gay men and lesbians who feel that we have betrayed them by not supporting an orange juice boycott, even though Anita Bryant has never spoken out—*on the job*—against the gays.

"Freedom of speech is everyone's right and protection. It's not just for our friends. It also ought to be kept in mind that while there is only one Anita Bryant, there are 20 million gay Americans who stand to risk losing their jobs for what *they* say and do off the job. If we gays were to give in on the principle that free speech is everyone's right, we would be the most vulnerable of all."

And that is what it all comes down to. Once exceptions are made as to who can utter what kind of speech, no one's right to express his ideas freely is entirely secure. There's nothing particularly complicated in that equation, and yet it remains the hardest lesson for most Americans to learn, regardless of their politics or "lifestyle."

One night, after he had been shouted down once again at a college, William Shockley said, "The true failure exhibited here is basically a lack of faith that reason can work and that man is a growing thing."

But truth, what of Marcusean truth? Said William O. Douglas: "Every person must be his own watchman for truth, because the forefathers did not trust any government to separate the true from the false for us." And not only is no government to be trusted to make that decision for us—no one else is. No group. No party. No movement, however caparisoned in righteousness. ❏

CORPORATE STATE

STEPHEN CHAPMAN

Protecting Big Steel

ALTHOUGH JIMMY CARTER entered the White House pledged to uphold free trade, since taking office he has imposed a system of minimum prices on steel imports. This reversal promises a host of increased economic burdens for Americans, including higher prices for consumers of steel and steel products and trouble for businesses (such as independent wiredrawers) that rely on cheap foreign steel. Some of those American workers who might have had jobs making products for export to Japan will be unemployed because of diminished Japanese buying power. Ironically, Carter's plans for steel could easily undermine the basic aims of his foreign policy, since a minimum price system that deliberately hits Japanese exports harder than those from Western Europe can only provoke trilateral antagonism. Finally, Carter's plan will create new domestic political pressures from West Coast steel producers who resent the favoritism to Great Lakes producers inherent in the new minimums and, therefore, are now demanding import quotas for steel. There will also be pressure from the American copper industry, which is likely to demand minimum prices for imports now that a precedent has been set with steel.

In his first year, Carter negotiated orderly marketing agreements with Taiwan and South Korea to restrict shoe imports, and with Japan to reduce sales of color televisions in the United States. But by far the strongest pressure for protection came from the perennially floundering steel industry, which the President moved to mollify in December with a Treasury Department

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announcement that it would issue a set of reference (or "trigger") prices for all imported carbon and alloy steel products. The prices, said Treasury, would be set to cover the costs of production of the Japanese, the world's most efficient steelmakers, the purported aim being to prevent foreign companies from selling below cost ("dumping"). By pegging the reference prices at only about five percent below then current American prices—higher than U.S. steel executives had expected—the administration betrayed the real purpose of its scheme, which is to reduce imports from Japan and Europe and thus boost the profits of American firms. It is an unusually clever gambit, a sort of protection without protectionism that allows Carter to satisfy both the steel industry and those people who would hold him to his proclaimed intentions.

Perhaps more surprising than Carter's conditional surrender to Big Steel is the long siege it required. Pressure to help the industry has been building for a year. Foreign imports were up last spring, eliciting rumbles of discontent from American firms, and the rumbles grew louder when the sales of foreign steel reached a three-year high in May. Faced with a slack world market, foreign firms slashed prices, attracting a lot of business in the United States from customers who had previously been buying from American firms. Rather than trying to meet their competitors' prices, U.S. firms protested to the federal government about the rising tide of imports.

Through most of last summer Carter turned a deaf ear to the American industry. But on August 2, Kaiser Steel announced the closing of three rolling mills in California and the layoff of 300 workers. The President responded with a diversionary maneuver, asking the Council on Wage and Price Stability to study the economic picture in steel production—a month after he had publicly denounced Big Steel's latest price increases. Before the month was out he was hit with more bad news: Bethlehem Steel said it would cut production by 40 percent at a plant near Buffalo, an action which would cost 3500 workers their jobs. Bethlehem later laid off another 4500 employees in Middletown, Ohio, and Johnstown, Pennsylvania. The gloomy picture darkened further in September. The Alan Wood Steel Company, a small but well-known firm in Pennsylvania, went bankrupt. Youngstown Sheet and Tube shocked the city whose name is synonymous with steel by virtually closing down its mill and laying off 5000 workers. United States Steel's earnings were down by 52 percent in the first half of 1977; in the first quarter, Bethlehem recorded its only loss in 18 years.

American steelmakers have fared poorly because they consistently have higher costs than the Japanese.

Carter continued to stall, trying to avoid protectionist measures. At a September 30 news conference he said he would meet with steel executives and labor leaders, but he bluntly dismissed their plea for relaxed pollution-control standards and noted pointedly that "the problems are chronic." His Environmental Protection Agency, however, had already agreed to postpone its deadlines for Bethlehem's Johnstown plant to save some jobs there. The day after his news conference, the President was characterized as "aloof" to the industry's problems by United Steel Workers President Lloyd McBride, who complained that "literally thousands of jobs are being lost every day." George Meany had already enunciated his broad view: "Free trade is a joke and a myth. . . .The answer is fair trade, do unto others as they do unto us—barrier for barrier—closed door for closed door." By the end of the year, more than 60,000 steelworkers had been certified for special federal unemployment benefits reserved for employees whose jobs are lost because of foreign competition.

AT HIS OCTOBER 13 MEETING with steel management and labor, consumer representatives, and members of Congress, the President promised vigorous enforcement of anti-dumping laws. "We cannot afford to erect trade barriers around our nation," he warned, but added, "free trade has got to be fair trade." Despite Treasury's tentative finding (later made final) of dumping of carbon steel plate against five Japanese companies in October, the industry questioned the value of tighter enforcement of anti-dumping laws, arguing that cases take too long to be resolved. The average time for a case ending in a determination of dumping is 13 months; actual duties may not be imposed for another two or three years. Still, United States Steel decided to give Carter's idea a try, filing an anti-dumping petition against most other steel imports from Japan.

Demands for stronger action continued to come from both Big Steel and Congress, where the "Steel Caucus," formed in September, soon had 170 members. On November 8, Representative Charles Vanik (D.-Ohio) held Trade Subcommittee hearings on steel industry problems, taking the opportunity to lambast the nation's "extremely ineffective" laws against dumping and their "inept" enforcement. By that time, a Treasury task force chaired by Undersecretary Anthony Solomon had hit on the idea of reference prices, which would permit the government to act quickly against low-priced imports without waiting for a formal complaint from an American firm or a lengthy investigation. (The task force also proposed a $215 million loan guarantee program for steel—a program that politically channels investment and threatens to leave the taxpayer with the bill.) The task force's report was released in December, and on January 6 Treasury issued the reference prices which to the pleasant surprise of Big Steel were on the average only 5.7 percent below its own. The major firms showed their gratitude by announcing they would go ahead with the 5.5 percent price increases scheduled for February and March. At the end of March, U.S. Steel announced an additional hike of $10 a ton, supposedly to cover higher costs caused by the settlement between the coal companies and the United Mine Workers. Most of the other steel companies raised prices only $5 a ton.

Big Steel's problems are nothing new, of course. In the years following World War II, the United States produced nearly half the world's steel, but the postwar economic miracles in Japan and West Germany revived their

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steel industries. Between 1958 and 1963, Japanese imports of steel to the United States rose 600 percent. It wasn't long before the nations of the European Economic Community (EEC), particularly West Germany, jumped into the fray. They pressed American steelmakers hard enough to compel the Nixon administration to insist on a five percent limit on the annual growth of foreign sales, a figure that was later halved. By 1971, the Soviet Union had become the world's leading steel producer, ending the 80-year American dominance of steelmaking. U.S. imports fell off during the 1973–1974 boom as demand bid prices well above normal levels, but the subsequent slump brought prices back down and import levels back up. By last year, 18 percent of the steel bought in the United States came from abroad.

American producers ascribe their poor competitive showing mainly to alleged dumping by foreign steelmakers, although they haven't discarded old scapegoats like U.S. environmental regulations and subsidies by foreign governments to firms in their own countries. The amount of truth in the dumping charge depends on how the term is defined. There is no question that both the Japanese and the Europeans are selling below what the Treasury Department calls "fair value—a price covering production, shipping, and insurance costs and a profit margin of eight percent. The last is unreasonably high for steel products, especially during a period of sluggish demand. As one observer points out, by that standard American firms are also guilty of "dumping," since none of them is making that much of a profit.

European firms are almost certainly selling below their average costs; the Japanese may or may not be. A recent report issued by Merrill Lynch, the stockbrokerage firm, said that the Japanese were selling in the United States neither below cost nor below their prices at home.

Most certainly neither the Europeans nor the Japanese are selling below marginal cost. That is, neither is selling below the cost of production of the steel units that are currently being purchased. Marginal-cost pricing is precisely what one would expect in a reasonably free market during a time of slack demand and substantially underused capacity. When producers are using only 70 percent of their capacity (as Japan is) or only 60 percent (as the EEC is), deep price cutting is no surprise. The pricing one sees now in world steel trade reflects not anticompetitive behavior but intense competiton for a shrunken market.

AMERICAN STEELMAKERS have fared poorly because they have consistently higher costs than the Japanese (though still lower than the Europeans). A recent Federal Trade Commission (FTC) study concluded that dumping failed to explain foreign inroads into American markets, attributing them instead to lower costs. In its report to the President last fall, the Wage and Price Council estimated Japanese costs at 15 to 20 percent below American costs, with transportation costs narrowing the difference to about five percent. Right now the Japanese and Europeans are selling at 10 to 20 percent below U.S. list prices (which are probably higher than American firms' actual selling prices), according to the Council, which said, "They cannot sustain such deep cuts for very long. Nor will they continue to discount at this rate if world demand for steel revives."

Japan's superior competitive position stems principally from its higher labor efficiency, although some experts credit fortunate investments during the 1950s for part of its advantage. Japanese firms were lucky to be making large investments in new facilities just as the revolutionary new oxygen process was coming to the fore. At the same time, American companies were more interested in expanding their capacity than in adopting new technology. To this day the United States lags behind Japan in use of the oxygen method.

The big difference, however, is in the relative efficiency of American and Japanese workers. Hourly employment costs in U.S. steelmaking are the highest in the world—nearly double Japan's. More important, steelworkers in Japan have caught up with their American counterparts in productivity. The difference in labor costs accounts for the bulk of Japan's cost advantage. The Wage and Price Council noted that hourly earnings in the American steel industry have consistently outpaced those in other manufacturing sectors: last year the average hourly wage in steel was $8.75, compared to $5.64 for the average manufacturing worker.

Big Steel blames its higher costs on two factors that are beyond its control: strict U.S. environmental standards and subsidies to foreign companies by their own governments. Both explanations wilt under scrutiny. The federal government's air and water quality standards have undoubtedly been expensive for steel firms: their total expenses for pollution controls have risen from $100 million in 1968 to $500 million in 1976. The Wage and Price Council estimated that meeting environmental standards costs about $8 per ton of steel, or 2.5 percent of production costs, and the council predicts that pollution controls will soon account for a full 10 percent of costs. But Japanese and European companies also have to meet high environmental standards. Japanese steelmakers have already outspent the Americans to reduce pollution, and the

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INQUIRY

Our spring book issue

- *Reviews by Hugh Kenner, Carl Oglesby, Mitchell Ross, William Abrahams, Noel Perrin*

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FTC predicted that "the Japanese industry's operating costs will rise by a slightly greater amount than those of U.S. industry as a result of complying with future environmental standards." Expenditures by the German steel industry on pollution control equipment have roughly paralleled those by American firms.

The claim that foreign steelmakers enjoy substantial government subsidies stands up no better. American firms blame the increased sales of European steel in the United States on rebates of value-added taxes by governments of exporting countries, arguing that the rebates amount to a hefty export subsidy. While noting that some of the supposed subsidy was probably canceled out by its countervailing effect on exchange rates, the Wage and Price Council concluded that the effect of the rebates was negligible. The Japanese industry, like those in the Common Market, has gotten government help in the form of effectively guaranteed low-interest loans, but according to the FTC the value of this subsidy is no more than 43 cents per metric ton of steel. Only in Italy did the value of government aid exceed a dollar a ton. An American Iron and Steel Institute study last spring even conceded that "it is difficult to ascribe a significant cost advantage to Japanese producers resulting from incentives or subsidies."

Neither Carter nor Big Steel is sincerely upset by "dumping" per se.

President Carter's scheme is designed to provide an umbrella of security for the American steel industry by proscribing price reductions by foreign competitors during hard times. U.S. firms have been more reluctant than their rivals to cut prices in response to falling demand, a reluctance that will be strongly reinforced by the administration's solicitude. Neither Carter nor Big Steel is sincerely upset by dumping per se; their concern, which has numerous precedents in recent history, is with the success of the Japanese and the Europeans in selling steel to American buyers who prefer lower prices to "Buy American" slogans. Perhaps it goes without saying that if foreign steelmakers were selling at, say, half their actual costs and garnering only one percent of the American market, no one would give such dumping a second thought. Conversely, if they were selling at twice their costs and still capturing a large share of the U.S. market, the outcry for protection, in whatever form, would be just as loud as it is now. Big Steel wants protection, by whatever name.

It is no surprise that steel executives are generally pleased with Carter's ingenious scheme. But Big Steel may find itself atop a tiger that cannot be safely dismounted. The President's superficially confused attitude toward the industry—jawboning steel firms to rescind price increases one day, offering them refuge from competition the next—is really perfectly consistent. By casting the protection in this clever form, Carter has created a weapon that can be used with equal effect on foreign steelmakers and domestic companies. The next time he thinks a price increase by U.S. firms is unwarranted, he won't have to rely on reasoned persuasion. Instead he will be able to present steel executives with an unpleasant choice between buckling to his demands or seeing the reference prices on steel imports lowered to unleash foreign competitors.

The recent price increases may foreshadow future developments. Faced with the President's denunciation of U.S. Steel's price hike, most other American firms settled for a smaller one—perhaps out of their best judgment about market, perhaps out of fear of presidential retaliation. The Treasury Department says it will continually reevaluate its cost estimates—no doubt with one eye on any signs of excessive greed by U.S. firms. If they get a little too bold in bleeding the consumers, the administration won't have much trouble bringing them to heel. Sooner or later Big Steel will be caught in a damned-if-you-do-and-damned-if-you-don't situation. The President's plan is bad for consumers, bad for our trading partners, bad in the long run for the American steel industry, and bad for the American citizens since it puts more power in the hands of Carter and his successors—but it's complicated enough that Carter's backpedaling on trade policy is deftly obscured. ❏

POLITICS

TIM W. FERGUSON

Cutting taxes in California

HE'S A "BULKY, CANTANkerous, 75-year-old tax agitator," by one critic's description. But the high-and-mighty of California can no longer dismiss Howard Jarvis as a kook.

After 16 years of trying, he's put to the fire the feet of all who owe their livelihoods to the California government dollar. With his state constitutional amendment qualified for the June ballot by the signatures of more than one million voters (more than twice the necessary number), Jarvis has come closer than ever before to realizing his longtime goal: swift—and massive—tax cuts.

The object of his current measure is property taxes, which, like California home prices, have increased rapidly in recent years. But there is little reason to believe that Jarvis intends to stop there. In response to legislators' vows to enact compensatory taxes to replace those they stand to lose to the wrath of angry property owners, Jarvis has begun petitioning for a second ballot measure to forestall such a plan for replacement levies.

The specter of the Jarvis initiative has government agencies throughout the state in a panic. Many have issued warnings to their employees and constituents. They are threatening their employees with numerous layoffs and promising their constituents future calamities, such as burning buildings with no one to douse the fires.

In general, the Jarvis initiative would reduce the tax owed by all property owners to one percent of the market value of their property in 1975—before the latest spiral in home prices

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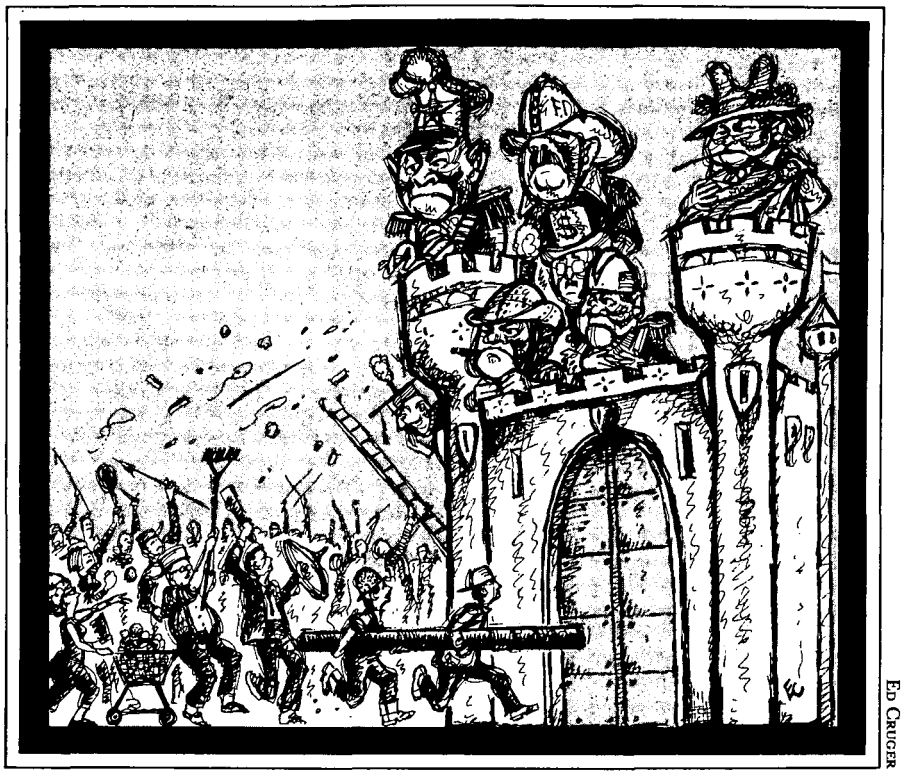
hit. All property taxes would be cut approximately 60 percent; for a typical $60,000 home, the savings would amount to about $765 a year.

What to taxpayers is a boon is to the public sector a heavy blow—in this case a loss to local governments, to which property taxes are paid, of virtually 60 percent of their revenue. That money goes to pay for police, firemen, street lights, schools—all the basics—as well as for about half the cost of welfare and state medical programs, which are less popular but still the focus of a hefty constituency.

The threat of voter approval of the Jarvis initiative has provoked the stodgy California legislature into passing the type of stopgap property tax relief it had talked to death for half a decade. Even if the Jarvis initiative fails at the polls, it will have been indirectly responsible for legislation that may give homeowners a 30 percent cut in property taxes, pay for the lost revenue out of a more than $3 billion state surplus, and place a cost-of-living ceiling on local and state expenditures. Republican State Senator Peter Behr's measure will do that if an enabling constitutional amendment is passed by the voters in June and if the Jarvis initiative is defeated at the same time.

The Behr bill, an important taxpayers' relief measure by the standards of years past, has the solid support of the government-business Establishment, so fearful is the Establishment of the alternative. The Behr bill's redeeming features, in the eyes of the civic center crowd, are that it gives the tax relief only to homeowners, not to owners of apartments or other business parcels, who pay the most in property taxes at present; gives renters and the elderly special breaks; and limits the *growth* of government instead of cutting its size. Thus Behr threatens no one's job or subsidy. And, of course, Behr's bill can be amended by the legislature, while the Jarvis plan can only be altered by another vote of the people.

During the winter, pundits regarded the Jarvis initiative as unbeatable, but in the spring, an imposing anti-Jarvis coalition was formed, and the polls have reflected a shift in voter attitudes. Much of the responsibility for the shift must be assigned to the *Los Angeles Times,* the state's largest and most influential newspaper, which has waged unceasing war on the Jarvis initiative from the moment it qualified for the ballot. Occasionally the paper's anti-Jarvis editorial stance has carried over into the news columns; in March, the paper published charts detailing the impact on various income groups of the rival Jarvis and Behr measures. By undervaluing the usual home owned at each income level (a $50,000 house for a $25,000 income, for instance), and by assuming as *fait accompli* the passage of all threatened compensatory taxes for Jarvis, the charts managed to show Behr as preferable at all income levels. Later the *Times* published a Sunday feature article spotlighting a number of little known Los Angeles County employees and emphasizing all the wonderful things they do. The reader was intended to draw the conclusion that it would be a shame if these benevolent souls were tossed out onto the street by mean old Jarvis.



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ALSO LINED UP AGAINST Jarvis, in addition to the public employee organizations, are the civic leadership and "good government" types—the League of Women Voters, the PTA, and Common Cause (which calls the Jarvis initiative simple-minded, sloppy, and "bad public policy")—together with many of the big business interests that would seem to gain from its passage. Among the latter are some of the state's biggest enterprises: Pacific Mutual Life Insurance, with a significant interest in government-employee group policies; Southern California Edison, a regulated utility; Bank of America; and Carter-Hawley Stores, Inc., a retailer. Many business leaders sit on the boards of directors of more than one of these interlocking firms.

Earlier this year, a group of Los Angeles executives calling themselves the "Community Committee" met at the Century Plaza Hotal with local public administrators and decided—against their own self-interest, supposedly—to oppose Jarvis. "Although business stands to receive at least $4 billion of the anticipated $6 billion in property tax relief, we felt it was time for the private sector, among others, to stand up for principle and fight this measure as financially unsound," Edison Vice President Howard P. Allen told the *Los Angeles Times.* After first being starved under the Jarvis plan, local governments would be reimbursed by the state, Allen continued. "What business, or others, might win in short-term gain they would lose in the long run through offsetting taxes."

Allen's comments contain the usual argument made against Jarvis—that the measure would cripple government operations and at the same time have no net impact on the level of taxation (or possibly lead to a rise in taxes on business). Such effects—if the measure is enacted and these turn out to be the consequences—could hurt many of the big firms that now oppose Jarvis. Cutting the public payroll after passage of the Jarvis initiative would diminish consumer spending until government

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employees found jobs in private industry. Most businesses would notice—whether directly or otherwise—that initial drop in spending.

The effect on the municipal bond market is also a worry of many businesses, particularly financial institutions. Although the Jarvis initiative provides for repayment of already authorized general-obligation bonds, the security of other types of notes is not so clear. In recent years, a popular means for municipalities in the state to shape the course of development within their borders has been to assign parcels to "redevelopment" districts. The city's costs for land condemnation and clearing, attraction of tenants, and construction of public edifices on the affected property are then amortized by higher tax assessments in the improved part of town. One provision of the Jarvis initiative, however, sets a two percent maximum on the annual increase in the property tax payments for a continuously owned parcel. The fruits of redevelopment are thus spoiled, and those who bought redevelopment bonds expecting to be repaid from tax revenues would be out of luck. Those bonds, as well as *future* general obligation issues, stand to lose the healthy ratings that have been customary for California securities.

The changing temper of the financial community was reflected in a shift in the monthly *California Business* columns by Paine Webber bond analysts Ronald Garabedian and Stephen Campbell. In December, the pair was heralding the coming of Jarvis and dismissing the "predictable" protests of the government sector. By March these two conservative business spokesmen showed a clear preference for the Behr bill over the Jarvis initiative.

Also critical of Jarvis are the pragmatic business minds at firms such as Pacific Mutual, who are aware that life insurance companies nationwide hold some $4 billion in state and local securities. A further explanation of the stance taken by Pacific Mutual and Southern California Edison is given by *Orange County Register* associate editor Sam Campbell:

> It is important to remember that as its name implies, Pacific Mutual is a mutual organization; theoretically, it is owned by its policyholders. When a substantial segment of those policyholders themselves are organized, you can see that segment would have considerable clout with the insurance firm of which it is both a major customer and owner. Moreover when the organization pyramids up to a very few individuals who buy master policies that cover the multitude of employees, you can see that those few individuals can speak forcefully to the companies that serve them. But they don't have to speak: the power is there without a word uttered.
>
> As an insurance company, Pacific Mutual legitimately is a holder of bonds. Utilities such as Southern California Edison are issuers of bonds. So SCE needs investors like Pacific Mutual which in turn needs customers such as Los Angeles County employees. . . .

As a public utility, Edison's allowable revenue is, of course, a function of its costs. Thus lowered taxes do not necessarily mean greater net income. Likewise, property taxes are of comparatively minor importance to the Bank of America, against its $4.5 billion in state and local bonds.

POST-JARVIS CHANGES IN budget priorities threaten haughty public institutions like the University of California, where Edward Carter, chairman of Carter-Hawley, is a regent. Other businesses fear a bill already before the state legislature to raise the revenue that could be lost under the Jarvis plan. If passed, the bill would raise personal income taxes by 20 percent, the sales tax by one percent (to seven cents on the dollar) and—last but not least—bank and corporation taxes by 40 percent. In addition, the business community's long fight to undo the inventory tax could be lost.

But enactment of replacement taxes is not as certain as the legislators like to make it appear. The current Jarvis measure requires a two-thirds vote of the legislature for new taxes, and his new petition drive aims at requiring the same margin in a referendum. But the scare has been enough to push the directors of the business-oriented California Taxpayers Association into opposition to Jarvis, although the organization's head, Kirk West, admits the membership is about evenly split.

Cal Tax, as West's group is known, is allied for perhaps the first time with the California Tax Reform Association, an egalitarian group which seeks to make property taxes, like income levies, based on "ability-to-pay." Dean Tipps, a lobbyist for CTRA, said he doesn't mind being in bed with the financial community, and he even points to another unlikely partner. The state's construction industry, sensing the pressure on the moneymen who finance construction, are concerned about the Jarvis initiative despite its seeming attractiveness to builders, Tipps said.

The lack of sophistication of Howard Jarvis and his backers may hinder their cause as well. Down-to-earth Jarvis delights the convinced with his broadsides against feeders at the "public trough," but such comments are wasted on neutral audiences. Furthermore, Jarvis has tied himself publicly to John Briggs, a Republican gubernatorial candidate widely dismissed as a posturing demagogue opportunistically devoted to the firing of homosexual teachers. Jarvis is one of the tiny minority of Republicans who say they support Briggs for governor. Hence Jarvis asked Briggs to write one of the ballot arguments for the tax initiative. A ballot proposal sponsored by Briggs to authorize the firing of homosexual teachers is under consideration at the same time. Briggs's prominent association with both causes will link them in the minds of some voters.

So if Jarvis is turned away again—after having come so close to victory in this, his sixth effort to force tax cuts at the polls—he may have only himself to blame. He has too many built-in enemies of tax reduction to afford narrowing his base.

Some people are genuinely worried about how to fund their schools, light their streets, and protect their homes. The Jarvis people rely on UCLA professor Neil Jacoby's demonstration that the remaining property tax would cover "property-related" services; to pay for other programs, they speculate about boosting oil severance taxes, eliminating tax-free foundations, and reaping the rewards of an economic boom they have reason to believe would sweep the state once large tax cuts were made.

But Howard Jarvis did not want his simple law to be mired in such detail. His message is a plain one, sympathized with across the nation: property owners are mad as hell and are not going to take it any more. They are angered by a 15 percent assessment rise statewide last year and, in some counties, even higher rises. (California's second largest county experienced a 73 percent rise in the last three years.) They don't care where the government's money is going to come from, as long as it stops coming from them to such an extent. They are alienated from the legislature and everyone else tied to government. It is an uncouth movement, but politically a marvelous one. For a few months before June 6, these "tax kooks" with their dated sportcoats have truly succeeded in terrifying the three-piece crowd at the top and its friends on the public payroll. ❏

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Portrait of a politician on the make

BIG JIM THOMPSON ★★★★ FOR ★★★★ PRESIDENT?

By Michael Kilian

SOMETIME LATE IN THE SUMMER OF 1976, when Jim Thompson was a mere candidate for governor of Illinois and of little recognized consequence to national politics, a telephone conversation of ours turned to the subject of his post-election future. With his success in the gubernatorial race as sure a thing as sunrise, I observed that he might have an excellent chance at second place on the 1980 Republican ticket with a nominee like Senator Howard Baker. Thompson's own appraisal was not so modest. "He's too short," he said. "I'll run him over."

So much for any doubts as to Thompson's intentions. In Illinois, it's assumed that he has already memorized his inauguration speech.

"Big Jim," as an affectionate press dubbed him early in his public career, has always been astonishingly indiscreet about his ambitions. No fewer than 10 years ago, when he was an obscure college professor about to join the staff of Illinois Attorney General William Scott, Thompson met for a quiet lunch with Scott and Don Reuben, a politically influential Chicago lawyer, to discuss his future. According to Scott, Thompson's first question confounded them: "If I run for President, would it be better for me to go for mayor [of Chicago] or governor?" He was then 31 years old.

At a Washington breakfast with reporters last year, Thompson explained simply that he has wanted to be President since he was 11. That was doubtless as precise as it was candid. At an age when Richard Nixon was just beginning to hear train whistles in the night and Jimmy Carter was listening to FDR on his father's crystal set, Jim Thompson had already begun to plan his assault on the

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White House.

Considering his limitations—he's only 41, has served all of a year and a half in elective office, and is governor of a state that, Lincoln aside, is more famous for its rascals than its Presidents—Thompson has come remarkably close to fulfilling his childhood fantasy. Equating newness (and, apparently, size) with incipient greatness, the *New York Times*, the *Washington Post*, and the three major news weeklies have placed him among the leading Republican contenders for 1980. Senator Barry Goldwater, in what must be taken as more than sheer whimsy, has all but declared him the nominee, and "Big John" Connally has paid him the compliment of attacking him publicly.

NO ONE KNOWS WHERE THOMPSON COMES by his presidential demons. He has always been an intensely private, brooding sort of man, fond of melancholy sojourns at his family's Wisconsin farm and long solitary rides on his snowmobile. One of his campaign lieutenants, now a high-ranking official in his administration, said that as election day in 1976 approached, Thompson frequently became despondent, despite the obvious prospect of victory. "He just didn't seem to like himself very much," one of Thompson's aides said.

On the last night of that campaign, after his final public appearance, Thompson sat in a car for a few minutes with reporter Larry Green of the now-defunct *Chicago Daily News*. As Green reported in a story, Thompson suddenly began sobbing. It is plausible to suggest that Thompson has taken to politics not so much to prove something to himself as to have millions of voters prove something to him.

As Thompson is fond of telling groups of black voters, he was born on the west side of Chicago, though long before that district became anything like a black ghetto. His family is quintessentially and happily middle American. At the Presbyterian pageant that was Thompson's much publicized wedding—held just five months before the 1976 election—the rest of the Thompsons appeared picture perfect and untroubled. From the distinguished suburban physician father to the handsome high school hero brother, they seemed a stereotype of the ideal Americans.

Thompson's education was typically midwestern—Washington University in St. Louis, followed by Northwestern University Law School. At Northwestern, he became a disciple of Professor Fred Inbau, a criminal law theorist whose stern doctrines won widespread acclaim from con-

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servatives during the late 1960s. Their close association continues today, and it doubtless accounts for the one ideological indulgence Thompson does permit himself in his cautious pursuit of national favor: he is Against Crime.

Graduating from Northwestern in 1959, without pausing for military service or to enter private practice, Thompson took a job as a prosecutor in the state attorney's office, eventually becoming a specialist in pornography cases. In 1964, he returned to Northwestern as an associate professor, to teach criminal law; from all reports, he was an excellent instructor.

BUT THOMPSON'S POLITICAL AMBITIONS were as strong as ever, and when the 1968 elections returned the Republicans to power in Illinois, he leapt at the chance to become head of Attorney General Scott's criminal section. Fortuitous circumstances the next year, including a bitter patronage fight between the late Senator Everett Dirksen and the then upstart Charles Percy (who, along with Scott, was Thompson's patron), brought Thompson to the U.S. attorney's office as first assistant. A year later, more good fortune elevated him to the post of U.S. attorney itself. Luck has been one of Thompson's principal political attributes.

There have been brushes with a darker fate. While in Washington on Justice Department business, Thompson was mysteriously summoned to the White House late one night for a talk with President Nixon. The horror that became Watergate was then building (though Thompson had little notion of it at the time), and the Oval Office tape recorders were in place. Whatever it was that Nixon had in mind to say—and the possibilities must still haunt Thompson's dreams—he was distracted by some more pressing matter and Thompson was sent away, never to be summoned again.

Thompson's tenure in the U.S. attorney's office turned out to be a phenomenal success, but at first it seemed merely strange. He ignored the usual patronage considerations and instead surrounded himself with a cadre of unusually bright young assistants who were slavishly devoted to him. He also quickly established a reputation in the gossip columns, in part for his fondness for Chicago's nightclub district and in part for his skills—or lack of them—as an interior decorator. He filled his office with a bizarre assemblage of antiques and grotesque plant life, including an immense (and illegal) stuffed American eagle.

From the beginning, Thompson courted the press as assiduously as a lovesick youth working the singles' bars. He still does today, although not quite so effectively as when half the reporters in Chicago could claim him as a drinking companion. Free drinks notwithstanding (more recently, some reporters have found themselves left with the check), Thompson the prosecutor provided wonderful copy. Political corruption in Illinois was as abundantly evident as the overflow from a cesspool, but the Democratic machine's Kremlin-like grip on the local judiciary frustrated effective prosecution. By making ingenious use of federal mail fraud and conspiracy statutes, among others; generously applying the immunity doctrine; and even wiring cooperative officials with tape recorders to collect evidence, Thompson created breathtaking federal cases out of the most squalid local offenses. His techniques were widely copied by prosecutors in other states, including Maryland.

In all, more than 350 public officials and their associates were indicted, and Thompson won an extraordinary 97 percent of the cases. Though most of his victims were little more than precinct captains (he convicted no Republican of any real consequence and failed to embarrass the administration of Republican Governor Richard Ogilvie with a single indictment), a number of his Democratic scores were spectacular. The most notable: Federal Appeals Court judge and former governor, Otto Kerner; Earl Bush, Mayor Richard Daley's press secretary; and Alderman Thomas E. Keane, after Daley the most powerful man in the Chicago Democratic machine.

Each success fostered speculation that Thompson would seek elective office, even that he would oppose Daley as the Republican candidate in the 1975 mayoral election. Of course, this would have been idiocy. Even if he had won, a term as Republican mayor of an otherwise Democratic Chicago would have been as ruinous to his future career as New York's City Hall was to John Lindsay's.

But, as Thompson delights in telling people, he is no fool. He encouraged the speculation to the point where *Time* magazine took notice (among other things, Thompson let it be known that he favored Cardinal Cody's Gold Coast mansion as the official mayoral residence), then abruptly removed himself from contention. John J. Hoellen, a 30-year veteran of Chicago's City Council, was the hapless fool who was persuaded to run in Thompson's place; he was utterly demolished by Daley.

*IT WAS NO SURPRISE WHEN THOMPSON AN-*nounced his candidacy for governor the following July. Nor was there much jubilation among Republican politicians. They mistrusted a man who could rise so far by his own devices without incurring any obligations to them. Worse, Thompson had no discernible political loyalties outside of those to his adoring staff. But the regulars' favored candidate, Attorney General Scott, petulantly refused to seek the gubernatorial nomination. Former Governor Ogilvie, who had been narrowly defeated for reelection in 1972, largely because of his sponsorship of Illinois's first state income tax, was reluctant to try again. The Democratic incumbent, Daniel Walker, had made himself unpopular, but he was widely feared as a notoriously savage and unprincipled campaigner. Thompson was the only major Republican figure with the courage to challenge Walker.

From the beginning, Thompson courted the press as assiduously as a lovesick youth working the singles' bars. Free drinks notwithstanding, Thompson the prosecutor provided good copy.

But Thompson's luck stayed with him, and he was spared that ordeal. Mayor Daley so loathed Walker that he was willing to sacrifice an old friend, Secretary of State Michael Howlett, a jolly Irish pol much beloved by Democratic lead-

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ers downstate, as his candidate against Walker in the primary. Howlett defeated Walker, as Daley planned, but he was so viciously clawed in the process that he proved easy for Thompson to defeat in the fall.

The one-sided contest at least provided Thompson with an opportunity to perfect his campaign skills; at the outset, he had none. Shy and awkward on his first tour of downstate county fairs, he left voters only vaguely aware that he had been among them. A friendly but exasperated St. Louis reporter finally taught him some rudimentary hand-shaking techniques.

Thompson was an enthusiastic pupil. Before long, he was going about in what became a uniform of cowboy boots, jeans, and checkered sports shirt, which he even wore to formal Italian-American testimonial political dinners. He also acquired a dog—an Irish setter he named "Guv." This investment was instantly and amply rewarded with front page newspaper pictures. Similarly generous press treatment was accorded his later acquisitions of a second and yet a third dog. There's a joke that by the time he's finished with the 1980 presidential primaries, his household will resemble an animal shelter.

One of Thompson's first acts as governor was to move his office to a larger, more grandiose chamber. Another was to move up the planned redecoration of the governor's suite.

THOMPSON'S VICTORY MARGIN OVER THE unfortunate Howlett was 1.3 million votes, the largest plurality in the history of Illinois politics. But that 1976 election night was memorable for two other anomalies. One was the incredible excess of security Thompson provided for himself. Plainclothesmen with walkie-talkies were stationed at every turn on the floors of the Palmer House that Thompson had rented for his victory celebration—more security than newsmen had seen since Lyndon Johnson's visits to Chicago in the 1960s. Access badges were issued in no fewer than five different colors. One newsman who was a guest was barred from crossing a barrier to talk with newsmen who were merely covering the event.

The other anomaly occurred when Thompson stepped to the rostrum to pronounce upon his triumph. He cried. Cook County politicians never cry, not even when they're sent to the penitentiary.

To describe Thompson's first year in office, it might be simplest to paraphrase what a British newsman once said of Princess Anne: he liked the job, but not the work. I visited him in his Springfield office, the one chosen by Walker for his labors, shortly after his inaugural. It was a small, very private room, a chamber better suited for the late-night drudgery of government than for ceremonial audiences. When Thompson excused himself to take a telephone call from former Vice President Rockefeller ("Hiya Rock . . . it's the same bullshit . . . "), I sat for a moment staring at his desktop. It was completely bare. "Here is a man," I said to myself, "who has nothing to do."

One of Thompson's first acts as governor was to move his office to a larger, more grandiose chamber. Another was to move up the planned redecoration of the governor's suite. Among the "major accomplishments" he cited for his first 100 days was the writing of his first "state of the State" address.

WHEN THE CHICAGO TRIBUNE'S PERspective section compiled a list of "Illinois' 20 Most Powerful," it of course included Thompson because of his high office. Not long afterward, when the paper produced a satirical list of "Illinois' Least Powerful," it also included Thompson. "No one has seen anyone less interested in state government since the Queen of Romania passed through in the 1920s," the paper explained.

When Thompson was elected, he was regarded as something of a liberal. However, once in office, he produced his "Year of Sacrifice." His budget proposal kept increases in departmental appropriations to the infinitesimal. Welfare recipients, who had not received a cost-of-living increase for three inflationary years, were not to receive one for a fourth. Public elementary and high schools were accorded only $75 million more in state aid (with increased local property taxes a common result). So severe—and so successful—was Thompson's economizing that the state not only averted bankruptcy and a tax increase but ended the fiscal year with an $85 million surplus.

However, in almost the same breath as his call for "a year of sacrifice," Thompson proposed huge pay increases for all state officials, including a 50 percent raise, from $50,000 to $75,000, for himself. He finally abandoned this when his mail began running 300 to 1 against the idea, but he did so with great reluctance, professing dismay at the opposition. To propose a large pay increase for himself, he explained to *Sun-Times* political editor Basil Talbot, was wrong only "from the perspective of a classic politician."

Thompson's chief legislative contribution in his first year dealt with crime. Late in the session, he introduced a package of criminal code revisions that would increase and standardize penalties for serious—what he called "Class X"—felonies. However, a bipartisan House committee had already worked two years preparing a similar and more comprehensive bill. William Redmond, the tiny but resolute House speaker, summarily discarded "Class X" with a little-used parliamentary maneuver.

That was folly. Thompson is an excellent courtroom lawyer and very effective in debate. He dramatically called a special session on the issue. While the Democrats prepared themselves, they found that they were having to fend off a barrage of charges equating their opposition to "Class X" with coddling mass murderers like Richard Speck.

The special session produced a compromise bill which, with Speaker Redmond's grudging assent, was given Thompson's "Class X" trademark. When conservatives at the 1980 Republican convention ask about Thompson's credentials, he will at least have that.

As befits a corruption fighter, Thompson has thus far presided over one of the cleanest administrations in Illinois history. There have been some minor scandals, but while

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these would be of moment in pristine states like Wisconsin or Oregon they are trivial in Illinois. Thompson and his wife, Jayne, accepted an all expense paid trip to last year's Kentucky Derby from the Chessie System, which operates five major railroad properties regulated by the state of Illinois. He also raised eyebrows when he sent out a letter soliciting campaign funds on behalf of legislators who supported "Class X."

Neither matter bothered Thompson much. As might be expected from someone who has never lost an election—and who won the only one he ever contested by 1.3 million votes—he has a high regard for his own infallibility. The Kentucky Derby affair was not a mistake because he had neither promised nor given anything in return. The "Class X" letter was a mistake, but it was the fault of his full-time political consultants, Douglas Bailey and John Deardourff.

When asked on a recent television interview show if he had made any mistakes as governor, Thompson replied: "Sure." When the host asked him to name one, he could only stare vacantly at the camera. The host then went to a commercial to allow the pained Thompson more time. When they returned, the mistake he was able to identify was: "I don't answer my mail on time."

BUT THOMPSON'S MOST SERIOUS POLITICAL liability is a personality trait, the dangers of which seem entirely invisible to him: a penchant for grandeur that borders on the adolescent and a hauteur that strikes many as arrogance. Instead of using the offices in the State of Illinois Building provided him for the many transition tasks he faced between his election and the inaugural, he settled into a $200,000 condominium overlooking Lake Michigan. (The view must have distracted him, for he was months late in completing his appointments.) An entire day in the transition period was devoted to posing for individual photographs with staff members, the photographs serving as their Christmas presents. One transition team member refused to waste her time in this manner and was scowled upon for days.

In contrast, Walker had been elected as a Huey Long sort of populist, and he spent large portions of his first weeks in office divesting the governorship of such imperial symbols as limousines, replacing them with more modest Chevrolet sedans. Thompson, however, who lavished some $65,000 on his inaugural festivities, couldn't stand the Chevies. When his quiet effort to lease a Lincoln and a Chrysler was found out and criticized in the press, he settled instead on two rather comical-looking Checker Marathon limousines. A television commentator called them "people's limousines."

It is also said, without too much exaggeration, that the person Thompson values most in his administration may well be Lucy Salenger, whose job it is to lure motion picture productions to Illinois—as some contend, so Thompson can give parties for filmland celebrities. In this regard, he suffered two crushing disappointments last year. Despite his hanging about the set, the director of the television movie *The Awakening Land* declined to give Thompson a cameo role during filming at Illinois's New Salem State Park. And when Thompson arranged a gala party for Princess Grace of Monaco on one of her Chicago visits, she refused to come, apparently viewing the entire affair as an impertinance.

Thompson's Democratic opponent this November is Michael Bakalis, a 38-year-old former history professor who scored two stunning upsets over popular Republicans to become state superintendent of public instruction and, in 1976, state comptroller. Bakalis plots and plans his campaigns the way the great Juan Fangio prepared his automobile races—by carefully studying his opposition and examining every inch of the track. He has already begun to focus his attack more on Thompson's personal flaws than on his record, chiding the governor for his immaturity and penchant for "regal splendor."

A "classic politician" might dismiss these comments as silly, arguing that Bakalis obviously must find little wrong with Thompson's conduct of state government if he's reduced to such trivia. Instead, Thompson often rises to the attack. "I don't live in regal splendor," he exclaimed to a press conference. "We have one less butler than there was when the 'people's governor' Walker lived in that house. There's one less maid. My wife is tight. She doesn't waste money over there in the mansion. I don't think the people of Illinois expect her to clean 40 rooms by herself." As for the pay raise proposal: "I don't think that's an extraordinary pay increase. I can't spend the mansion. I can't carry the cash around in my pocket from living in the mansion. I don't know what I'm expected to do with it . . . burn it down?" Jerry Brown might have an answer, but he's doubtless saving it for 1980.

Bakalis's attacks, however, have been gentle in comparison with a more scurrilous tactic used against Thompson during the campaign with Howlett. Without any more evidence than the fact that he was a longtime bachelor who collected antiques, it was widely whispered that Thompson is a homosexual. A neighborhood newspaper in Chicago, run by a Democratic machine payroller, even went so far as to print references to "a high-ranking Republican" homosexual. After the election, *Time* magazine alluded to "rumors"

Thompson's most serious political liability is a personality trait, the dangers of which seem entirely invisible to him: arrogance and a penchant for grandeur that borders on the adolescent.

about Thompson's personal life, suggesting that his marriage would make them go away.

But they have not. His wife is expecting their first child, but the rumors persist. Thompson has even resorted to dropping in on rock radio station disc jockeys wearing a Farrah Fawcett-Majors T-shirt, but for naught. Nothing angers him as much as a reference to this subject, even when it is cited simply as a political problem. According to Larry Green, now Midwest bureau chief for the *Los Angeles Times,* it was a discussion of this whispering campaign that prompted Thompson's outburst of tears.

If Thompson fails to win the 1980 Republican nomination, it may be for no more significant a reason than that he has made other politicians dislike him. At times, he antagonizes them with such ease it seems almost by design.

The courtly Howard Baker, as though unaware of having

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been targeted as a Thompson traffic statistic, has extended the Illinois governor every courtesy of the Senate during Thompson's frequent visits to Washington. But when Thompson collided with John Connally in a bout of scene stealing at the November 1976 Governors Conference, Connally appeared to be on the verge of violence.

When Thompson went to Washington for the March 1977 National Governors Conference, Illinois Republicans on the Hill complained that they had not received so much as a friendly telephone call from him since his election the preceding November. Neither did they hear from him during his stay at the conference. Instead, he sent a representative to make courtesy calls on the Democratic leadership. The representative he sent was a youth whose assignment in the campaign was to care for Thompson's dog.

At a campaign seminar during the 1977 Republican Governors Conference at Bretton Woods, N. H., Iowa's Robert Ray, a four-term veteran, and Michigan's William Milliken, a survivor of enormous Philip Hart landslides, were made to suffer through Thompson's patronizing lecture on the virtue of wearing cowboy boots at county fairs. Thompson devoted much of his time at the conference to making himself available for interviews by the *New York Times* and others. In so doing, he may have lost himself the 1980 New Hampshire primary.

If Thompson fails to win the 1980 Republican nomination, it may be for no more significant a reason than that he has made other politicians dislike him. New Hampshire is a case in point.

That conference was a major social-political event in heavily Republican New Hampshire. Two of the state's more important Republican figures, Costas Tentas, head of the state liquor commission, and David Gosselin, former state Republican chairman, volunteered to serve as the Thompsons' hosts, contributing $500 each to the conference for that privilege. But Thompson ignored them. The *Chicago Tribune*'s national political correspondent, Jon Margolis, a veteran of New Hampshire primaries, warned Thompson through his press secretary, David Gilbert, that he was causing unnecessary trouble for himself. When Thompson persisted, Margolis wrote a story about the incident, quoting Tentas as saying: "I've seen a lot of politicians come and go, but I've never seen anyone as rude as him come down the pike."

In a later letter to me, William Loeb, publisher of the *Manchester Union Leader*, complained that Thompson had treated New Hampshire Republicans "very much like dirt." He quoted a former ambassador as saying: "That man is a damn fool." And in a typically stinging editorial commenting on Thompson's contribution to the conference, Loeb denounced him as "the Percy-Rockefeller candidate of 1980."

Illinois Republicans, if more discreet, are often as hostile. Some complain about quite minor things, such as Thompson's failure to send thank you notes to the more than 200 people who attended his wedding and sent gifts. Others are perturbed about more serious concerns, such as his inability or refusal to deal sensibly with their patronage demands. In his first year in office, Thompson had no fewer than four patronage chiefs, none of them satisfactory to the county chairmen.

In this year's Illinois Republican primary, held on March 21, Thompson's personal choice for the state comptroller nomination was John Castle, a member of his cabinet. Castle was opposed by former House Speaker W. Robert Blair, a man who had made lifelong enemies in the party in a bitter legislative leadership fight and who was so unpopular in the Chicago suburbs he had lost his own legislative seat. Blair made Thompson's conduct as leader of the party virtually the sole issue in the campaign. Thompson exerted every effort to assure Castle's victory and publicly stated that his political reputation was at stake. Castle won, but with only 51 percent of the vote, and that was chiefly the result of an extraordinarily low turnout. Blair carried 66 counties, some by margins of two to one.

AT LEAST ONE OF THOMPSON'S LIEUTENants has privately expressed the opinion that it is possible for him to lose to Bakalis in November, the 1976 plurality of 1.3 million votes notwithstanding. The more conventional view is that he will win easily, with some of the shrewder analysts defining "easily" as a margin of 500,000 votes or less. How that marked a reduction in his popularity will affect his perceived presidential potential is a matter to be decided by the national political writers who anointed him with stardom in the first place.

Presuming a successful outcome, the November Illinois election will be Thompson's last hurdle before setting foot on the glory road of his childhood dreams. Expectations are that his expensive campaign machine will simply shift into a higher gear immediately after the election. Thompson has capable hands into which to place the operation of state government. As he said at that reporters' breakfast in Washington: "A governor doesn't run the state day to day from his desk. That's what a cabinet and the bureaucracy are for."

He will assuredly be seeking the top prize, content with nothing less. My own observations aside, his temperament is ill-suited to the vice presidential role. So, for that matter, is his physique. At six foot six, he would make too formidable a partner for the more diminutive Republican candidates. A Howard Baker would not want to participate in a Mutt n' Jeff act when there are such equally useful and more moderately sized choices as Indiana's Senator Richard Lugar available.

In taking on the Bailey-Deardourff team, Thompson has come into possession of their master plan for Senator Percy's aborted "exploratory" campaign for the 1976 nomination—useless to Percy now that he appears to have stepped aside in Thompson's favor. As briefly outlined at a reporters' seminar in Washington in 1973, the plan calls for a heavy reliance on black and other Democratic crossover votes in such key "open primary" states as Wisconsin and Michigan. These are votes that may not necessarily be attracted to Jimmy Carter or Jerry Brown, the kind of votes that helped make Thompson's plurality so enormous in 1976.

The Illinois primary—the third earliest in the nation—might be an ideal place for Thompson to start. Certainly, he would be well advised to pass up New Hampshire.

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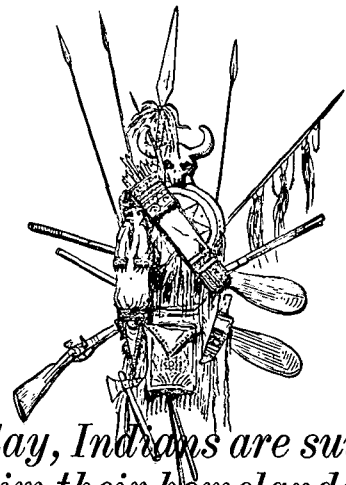

Today, Indians are suing to reclaim their homelands—and the locals are getting restless.

Native American Land Rights

By PETER KOVLER

NOW THAT A DOZEN American Indian tribes are suing—or threatening to sue—land and property owners in Maine, Massachusetts, Rhode Island, Connecticut, New York, and South Carolina, whites in many eastern states are beginning to express a sort of anti-Indian anger that, heretofore, had belonged in the verbal repertoire of the Wild West redneck. In many cases the federal government has examined the suits and, in its role as trustee for Native Americans, has agreed to be part of the prosecution. In addition, the federal courts have issued several rulings that favor the tribes. The combined effects of these two developments have bolstered the claims of the tribes; caused a good deal of economic uncertainty in the disputed areas; and established a division—in a way that immediately recalls the 1950s civil rights courtroom battles in the South—between the federal government, allied with the "minority group," and the states with their cause of states' rights.

The claims by the tribes are based on one simple but neglected law, the Indian Non-Intercourse Act of 1790. This act states that "no sale of lands made by any Indians or any nation or tribe of Indians within the United States shall be valid to any person or persons, or to any state, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States." While subsequent acts have slightly amended the original, the essential meaning remains unchanged: all land transactions between the tribes and non-Indians must be supervised by the federal government and ratified by Congress.

The gravamen of the tribes' charges is that states and individuals took Indian lands without the approval of the federal government; hence, all deals are off and the land should go back to its real owners. Reliance on the Non-Intercourse Act may seem odd in these cases, for it is an extremely old and obscure law. But its advantage to the Native Americans lies precisely in the fact that it can easily be established that the law's technical requirements were often not met. The Non-Intercourse Act is based on an approach which implies that Native

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Americans ought to be wards of the federal government—an approach which the Indians themselves increasingly reject. Nevertheless, they view the courts' applications of this law as a legal avenue that may offer the quickest and most feasible way to restore the Indians' identity and regain the territories they often lost through theft or chicanery. For years (in the case of the Oneida Tribe vs. the state of New York, 80 years) tribes have tried to convince the federal government that it had the duty to litigate for them. Also, tribes have tried to make the courts adjudicate. But these cases have been considered quixotic. New York's assistant attorney general in charge of Indian affairs, Jeremiah Jochnowitz, points out, "These cases would have been laughed out of court if they were brought 30 years ago."

But within the past five years, the courts have turned around. Decisions at District, Appellate, and Supreme Court levels have favored Native Americans. As a consequence, although none of the cases has been finally and irrevocably decided, Indian claims are suddenly looking realistic.

It is impossible to determine at this point what the outcome will be. Each case is unique. Each of the tribes once possessed a reservation and then lost it through questionable transactions; however, the sizes of the claims, the histories of the tribes, and the contemporary situation of each tribe vary greatly. Equally important, the reactions of the white landowners and the states have been extremely diverse. In some situations state officials are conciliatory and out-of-court agreements seem certain. In others, however, ambitious politicians have been trying to take advantage of ignorant citizens and have acted demagogically. In these states, the mood is tense.

CERTAINLY THE MOST dramatic case has been brought by the Passamaquoddy and Penobscot tribes against the state of Maine. It is also, according to one Justice Department official, "one of the most legally complicated cases ever." In 1972 those tribes filed a suit in the District Court of Maine against the secretary of Interior, Rogers Morton. The suit alleged that the Non-Intercourse Act applied to the tribes and that the federal government had a duty to represent them. The tribes contended that the sale of their land in 1794 to the state of Massachusetts (at that time Maine was part of Massachusetts) was illegal, since it was not ratified by Congress. A statement made by the tribes last March 8 summarizes their position:

Both our nations fought on the side of the Americans in the Revolutionary War pursuant to a treaty negotiated by federal Indian agents in 1777. Because of our efforts, much of Maine is in the United States today rather than in Canada. In that 1777 treaty, the federal government promised to provide us with supplies and promised to protect our hunting grounds. That federal treaty, however, was never ratified by the Congress and in a series of transactions starting in 1794, Maine and Massachusetts took practically all our lands [ten million acres, half the present state of Maine] and left us totally destitute.

These suits have created a division between the federal government, allied with the minority group, and the states with their cause of states' rights.

According to Barry Margolin, one of the tribes' attorneys, "The state took the land from the tribes in exchange for nothing. . . . To these tribes at that time the whole meaning of real estate—and buying and selling and dealing in land—was meaningless because they had lived there from time immemorial."

Surprisingly, Federal District Court Judge Edward Gignoux agreed with the plaintiffs, and he ordered the federal government to act as the Indians' legal trustee and accept the responsibility for the land claims. The Nixon administration, however, was not going to allow itself to be bullied by a mere District Court judge, and the case was appealed. But in late 1975 the Court of Appeals confirmed Gignoux's decision. At that point the Justice Department chose not to go to the Supreme Court and, therefore, it was compelled to prepare legal actions on behalf of the two tribes.

On February 28 of last year, Interior and Justice announced their conclusion: that the Indians had valid claims to between five and eight million acres of land and that monetary damages were owed for its use. Although the total Penobscot and Passamaquoddy claims have been estimated at 12.5 million acres and $25 billion in back rents and damages, the government and the tribes agreed to take no immediate action against any of the area's 350,000 homeowners and small business people. Rather, the action would be against the state of Maine and the large paper mill companies which own much of the land.

Shortly after the February 1977 decision, doubts about ownership of Maine property caused a disruption in real estate markets: some local communities had trouble issuing bonds to finance projects; banks seriously questioned mortgage loans; and title companies grew cautious about issuing land titles. There is some dispute, however, about the extent of the economic uncertainty. For example, a spokesman for the tribes has pointed out that Morgan Guarantee Trust issued $15 million in bonds just after the announcement of the plans for the suit.

Nevertheless, Maine's senators and representatives asked Congress to resolve the problem. Knowing that Congress has "plenary power" over tribes, they introduced bills that would, essentially, extinguish the claims. In March 1977, Representative William Cohen tried to awe his House colleagues with meteorological and medical metaphors: "A dark cloud of doubt and instability is hovering over the state of Maine as a result of the suit brought by Passamaquoddies and Penobscots . . . the very pendency of the suit threatens to bring the state of Maine to its knees . . . the central nervous system of the municipalities could not survive this act of financial anoxia. . . . Already there is a revolt beginning among the non-Indian citizens."

In the meantime, President Carter ordered a mediator to try to bring the sides together. Last summer Judge William Gunter appraised the situation and came up with the following recommendations: appropriate $25 million and 100,000 acres to the tribes. In short, for every dollar that the tribes are asking for, they would receive one tenth of a penny; for every acre, they would receive 350 square feet—the size of a two-bed-

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room apartment. If the tribes did not agree, Judge Gunter recommended, the President should ask Congress to extinguish the Indians' claims.

The tribes, of course, were outraged. In a letter to the President they declared: "Judge Gunter displays no concern for our rights. While he concludes that our claims are meritorious enough to warrant an out-of-court settlement, he admits that he has not attempted to negotiate with us and says if we don't accept his terms that you should recommend that Congress extinguish 90 percent of our claims without any compensation whatsoever. It is difficult for us to understand this."

At this point the principal argument made against the Indians is that they cause instability. Said Judge Gunter, almost echoing Representative Cohen: "The problem with these tribal claims is that they have the unfortunate effect of causing economic stagnation within the claim area. They create a cloud on the validity of real property titles. Were it not for this adverse economic result, these cases would take their normal course through the courts." Basically, the situation is a question of the stability of the state vs. the justice owed to the Indians.

At present, the claims are in limbo. The extinguishment bills are unlikely to move through Congress, largely because key committee chairmen (Senator James Abourezk of South Dakota and Representative Morris Udall of Arizona) are opposed. Meanwhile, the federal government has received a continuance from the District Court, pending an out-of-court settlement. But most significantly, in a surprising development in early February it was announced that the federal government and the tribes had been secretly negotiating, and that they had reached an agreement: an out-of-court settlement should be attempted where the tribes would receive $25 million in cash, $1.7 million a year for 15 years, and 300,000 acres. Clearly the tribes had succeeded in forcing the federal government to take a "better" position. But while the government's newest stance is important to the tribes—giving further credibility to their position—it does not seem that a final settlement is near.

Indeed, at this point it is unlikely that the other parties (the State of Maine and the timber companies) will agree to this resolution. According to Maine's Attorney General Joseph Brennan, "The agreement is irresponsible and indefensible. . . . Apparently the federal government and the tribes have joined together to deliver the people of Maine a set of non-negotiable demands of staggering proportions."

A second case that appears as if it will remain uncertain in the near future pits the Wampanoag tribe against the Cape Cod town of Mashpee. But unlike the Maine case, federal judicial decisions have tended to hamper the Indians' cause. Whites in Mashpee generally seem to be more at ease.

The Oneidas never abandoned their claim to their original homeland. They never accepted the loss of their land but have continued to protest its diminishment until today.

The Mashpee tribe is seeking a declaration of ownership of approximately 13,000 acres. Like the Penobscots and Passamaquoddies, they have exempted from their claim all individual homeowners. The defendants include the town of Mashpee (represented by James St. Clair, Nixon's legal adviser), the State of Massachusetts, several real estate developers, a utility company, and a group of title insurance companies.

The area of Mashpee, says the tribe, "was guaranteed by the Plymouth colonists in 1685. At that time, the Colony pledged that the land would be perpetually owned by the tribe's descendants and that it would never be sold without the consent of all the Indians of Mashpee . . . [But] the state adopted laws which resulted in the alienation of virtually all of the tribe's territory.

"Few non-Indians," the tribe says, "moved into Mashpee until shortly after World War II, when a wave of development began which continued until the filing of the lawsuit. This massive development brought a large influx of non-Indian residents, who took control of the town government away from the native population and who closed off access to the many ponds, rivers, and shore areas of Mashpee [thereby] violating rights promised under both the Indian Non-Intercourse Act and by this country's first European colonists."

The tribe's hopes, however, were severely hurt in early January when a federal jury concluded that the Mashpees were not a tribe. The jury had believed St. Clair's arguments that the Indians had been assimilated into the overall culture of the town and therefore had no distinct claim to the property. Apparently, the jury was not convinced by the Wampanoag position that they were "still living on the same land, practicing the same traditions."

But in spite of this setback, it seems certain that the case will be appealed. Lawyers for the tribe have indicated that they think the judge's instructions to the jury were unfair and, therefore, due process was not accorded. At present, it seems the case will be argued in the courts for many years. The possibility of resolution through mediation seems slim since Judge Gunter is also looking at this case for the White House, and few people believe that he will suggest an acceptable compromise.

IN NEW YORK STATE, three tribes, the Oneidas, the Mohawks, and the Cayugas, are suing for 318,000 acres and for damages in excess of $1 billion. In some cases the Departments of Justice and Interior decided that the claims have merit; the departments have announced that they are prepared to file on the Indians' behalf for recovery of lands and monetary damages for 180 years of trespass. In one Oneida suit, a Federal District Court Judge has already ruled in the tribe's favor.

In many ways, the Oneida suits are the most important to watch, for those cases are the furthest along. Indeed, in July of last year, Federal District Court Judge Edward Port ruled favorably on the merits. While other judicial decisions have been on preliminary issues (Must the federal government represent the Indians? Are the Mashpees a tribe?), in this particular suit the decisions have been on state violations of the Non-Intercourse Act.

The Oneidas claim 246,000 acres of New York. They say that the land is located in the heart of their aboriginal territory and that the land was

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confirmed as theirs in the 1794 United States Treaty with the Six Nations of the Iroquois Confederacy. One year later, says the tribe, the State of New York—then in conflict with the new federal government over authority to negotiate Indian land purchases—began to take title to the lands. Possession of nearly all the 246,000 acres was taken by New York State, say the Oneidas, through a series of illegal transactions: 25 unratified treaties (all signed between 1795 and 1842).

Instead of suing for all the acreage, the Oneidas filed a test suit in 1970 for 100,000 acres as well as for damages resulting from the use and occupancy of the land during 1968 and 1969. At first the case seemed doomed when the District Court and the Court of Appeals ruled that the federal courts did not have jurisdiction. But in 1974 the Supreme Court reversed those decisions, declaring that the federal courts do have the duty to judge such cases. The Oneidas brought the suit last year, and on July 12, Judge Port made his ruling:

In 1795, the State of New York acquired from the Oneida Indians, by an instrument variously denominated as a deed or treaty, 100,000 acres in Central New York. The counties of Oneida and Madison have acquired and now occupy undesignated but small portions of that acreage. The claim made in this case is limited to damages for . . . 1968 and 1969 . . . of those "parts of said premises for buildings, roads, and other public improvements."

The issues can be summed up as follows: (1) Have the plaintiffs established that the transfer of land by the 1795 treaty to the State of New York was in violation of the Non-Intercourse Act? (2) Have any of the defenses asserted by the defendants been established? (3) Are the defendants liable to the plaintiffs for damages resulting from defendants' use and occupancy of part of the subject land during 1968 and 1969? The answer to the first question is yes; to the second, no; and to the third, yes.

Although the present owners of the 100,000 acres may have acted in good faith when acquiring their property, such good faith will not render good a title otherwise not valid for failure to comply with the Non-Intercourse Act. Although it may appear harsh to condemn an apparently good-faith use as a trespass after 90 years of acquiescence by the owners, we conclude that an even older policy of Indian law compels this result.

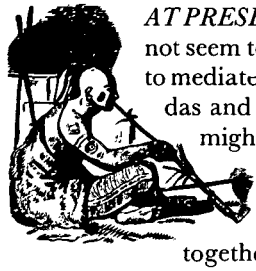
Some of the historical background included in Judge Port's decision is worth repeating here, for it symbolizes the dramatic change in the thinking of much of the federal judiciary:

By 1846, the Oneidas' landholdings had been diminished to a few hundred acres. The social and economic pressures on the Oneidas naturally resulted in the alienation of their land. In addition, white settlers living in the areas continually encroached on the Oneidas' land. . . .

Despite . . . conditions of poverty and illiteracy, and although their attempts to redress grievances were totally futile, the Oneidas did protest the continuing loss of their land. . . . The Oneidas never abandoned their claim to their original homeland. The small area of land they now occupy lies within the boundaries of the aboriginal land. Furthermore, they never acquiesced in the loss of their land, but have continued to protest its diminishment up until today.

Naturally, there was consternation among the area's whites. Representative Jim Hanley (R.-N.Y.) spoke for many of his constituents when he said: "Regardless of how we feel personally about the merits of the case, and I, for one, consider the land claims to be nonsensical, the federal courts are taking them seriously."

The courts' applications of this law are the quickest and most feasible way to restore the Indians' identity and regain the territories they lost.



AT PRESENT, THERE DO not seem to be any attempts to mediate. While the Oneidas and the state say they might have an interest in negotiating, they do not appear eager to get together. So the Oneidas are simply preparing for the next case, which will be a trial to determine how much they should receive in damages. That case is expected to go to Judge Port in the late spring or early fall. After that is resolved, the state will probably appeal. Of all the tribes, it appears the Oneidas have made the most progress.

However, the government has now joined negotiations between the parties in the case of the Mohawks and Cayugas vs. the State of New York. Again, the claims are based on the Non-Intercourse Act. In dispute are at least 275,000 acres of rural land that is sparsely populated (although there are at least 30,000 individual property owners and the land is valued at over $1 billion). St. Regis–Mohawk attorney Art Gajarsa says that "in several 'treaties' the state took parcels of land. Sometimes if white people had occupied those lands and the Indians made claims, the whites would ask the legislature to make a treaty to legitimize their ownership. This would be done and the land would no longer belong to the tribe.

"At times," he continues, "the land was taken and no U.S. Commissioner was present to help the Indians. The tribe didn't speak English, and these treaties were marked with an X. They weren't read for their true meaning. Later on, the state sold most of the Reservation lands for $270,000 . . . right after they took it."

According to Cayuga Chief Jim Leaffe: "A long time ago, before the United States existed, the Cayuga extended from Ontario to Pennsylvania. At that time we made a treaty with New York State so they could buy aboriginal land. It was also agreed to form a Cayuga Reservation of 64,000 acres. A few years later they came back to buy the rest. At that time the Cayuga didn't think about what they were selling, they were naive. They trusted the white man, and they were cajoled. Indians didn't know there were certain procedures that had to be followed. We say, now, that the state obtained the land illegally and the government says we got a case."

Chief Leaffe adds that there is one potential problem. He fears that in negotiations the other parties will try to resolve the dispute by giving the tribes money and not land. It is a fear shared by many claimants. While this may seem fair to others, he says, it is "not just." He adds: "For legal reasons we think it is ours. But, too, and many whites do not understand this, land has a special meaning for Indians. We need a home base, something to go back to, a place to go where nobody can say 'get off.' "

Perhaps above all else, the claim of the Cayugas and the Mohawks demonstrates the momentum behind the land rights claims. These tribes have not even gone to court—and the state is already trying to negotiate an out-of-court settlement.

In South Carolina, the Catawba tribe has asked for the return of 144,000

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acres. In this case, too, the Departments of Justice and Interior have taken the side of the Indians. The Catawbas say that the acreage was reserved for them in 1763 at the Treaty of Augusta with the British Crown. In return for these reservation lands, the Catawbas ceded a tract of land 60 miles in diameter. In 1840, the state of South Carolina negotiated a transaction with the Indians which purported to extinguish Indian title to the 1763 reservation. The United States was not a participant in the deal, nor did Congress approve the alienation of the Catawba Indian Reservation. Hence, the trade was made in violation of the Non-Intercourse Act.

According to the Catawbas' attorney, South Carolina State Representative Jean Toal, "During the mid-1800s, the state took most of the land, leaving the tribe only about 630 acres. They said to the Catawbas, 'If you let us have your reservation for $5000 we'll move you up to where the Cherokees are in North Carolina'; so a bargain was struck. But the Cherokees and North Carolina did not want to make the deal and the Catawbas were left with 630 barren, unproductive acres. The state reneged on the deal."

For the last 14 months settlement talks have taken place between the tribe and the state attorney general. Both sides agree that an out-of-court settlement is likely. In general, both sides agree that there should be a Catawba Indian Lands Claims Settlement Act which would establish a Catawba reservation, create a tribal development fund, and grant federal recognition to the tribe.

Perhaps more than any of the other claims, the South Carolina case shows what can happen when the state and the present landowners are willing to negotiate. An agreement is almost certain. The area's representative in the House, Republican Ken Holland (who has been instrumental in getting the sides together), says: "We started to view the consequences, we saw how explosive it could be, and we were able to get the confidence of everybody. What strikes me about the way things have gotten up in Maine is that people reacted in a purely political fashion. Perhaps if they had acted reasonably and in a conciliatory way, there wouldn't be unrest there now.

"Actually," says Holland, "we think our settlement could well be a model. We think that the U.S. government can buy some of the property, and allow the Catawbas to establish more fully their reservation. The Catawbas can use it for cultural and educational programs, and it could even be a tourist spot—something that our area could use. We saw this as an opportunity."

The state took land by treaty. If white people were occupying that land, the whites would ask the legislature to make a treaty to legitimize their ownership.

MEANWHILE, LESS progress has been made in smaller suits in Massachusetts, Rhode Island, and Connecticut. In Massachusetts the Wampanoag Tribal Council of Gay Head is seeking return of 250 acres of town-owned land, although the tribe's potential claim is for 3600 acres. Two years ago the town sought a negotiated settlement. The first session was held 20 months ago and in late December 1976, the town voted to cede 243 acres of "common land" to the tribe. This transfer of land requires legislation by the State of Massachusetts, and the Gay Head Taxpayers Association—representing non-Indian landowners—opposes legislative approval until there is a settlement on the question of all the land. At present, the case is being mediated by Harvard Law School Dean Albert Sacks.

And in Rhode Island the Narragansett tribe is suing the state because it claims that "in 1880 the State purported to dissolve the Narragansett tribal government and require sale of the remaining 3500 acres of tribal lands without the participation and consent of the United States." According to a tribal spokesman, the Narragansetts fell prey to the same wave of termination that had taken place in other states. Rhode Island came up with the idea of breaking up the tribe and ordering the land sold off.

In early March, Rhode Island officials and a group of private landholders announced agreement with the Narragansetts on a plan to transfer 1800 of the 3500 acres. Under the plan, an Indian-controlled corporation will hold title to the land, although all but 200 acres would be excluded from any kind of development. The federal government is expected to pay for the land, and the Narragansetts will receive no monetary damages. Despite the agreement of the parties to the dispute, it is anticipated that Congress will delay approval of this settlement for fear of setting a precedent of land restoration.

Finally, in Connecticut the Western Pequot Tribe and the Schaghticoke Tribe are suing for the return of their lands. The Western Pequots want 800 acres and the Schaghticokes want 1300. Both tribes allege that aboriginal and reservation lands were taken without the consent of the federal government. Both cases are in the courts and mediation does not appear imminent.

Now that the long epoch of neglect of Indian rights seems to be drawing to a close, the Native Americans may be regaining lands that, largely, were taken from them or that they were cheated out of. These victories have come through pressure and the use of every available legal avenue. The response from some whites has been bitter resentment.

Suzan Harjo, a Cheyenne and the Washington representative of the Native American Rights Fund, expresses a view that in all likelihood is typical of American Indian thinking. She says: "It is a shame that we have to spend so much time, years and years, and money in the courtroom, simply to get the government to take us seriously. But that seems to be necessary.

"When Indians tried," she says, "to make their problems known by going outside the system—at Wounded Knee for instance—everybody told us to work within the system. That is what we're doing. And if the government or anybody else is going to tell us—now that the system is working for us—that the system is wrong . . . well, I don't like to think of the consequences." ❑

The illustrations for this article are taken from King Philip's War *by Daniel Stock, Jr. (1851), and* Harper's *magazine. They show the contemporary white images of Native Americans.*

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A HISTORY OF RHODESIA, by Robert Blake. Alfred A. Knopf, 435 pp., $15.00.

Riders and horses

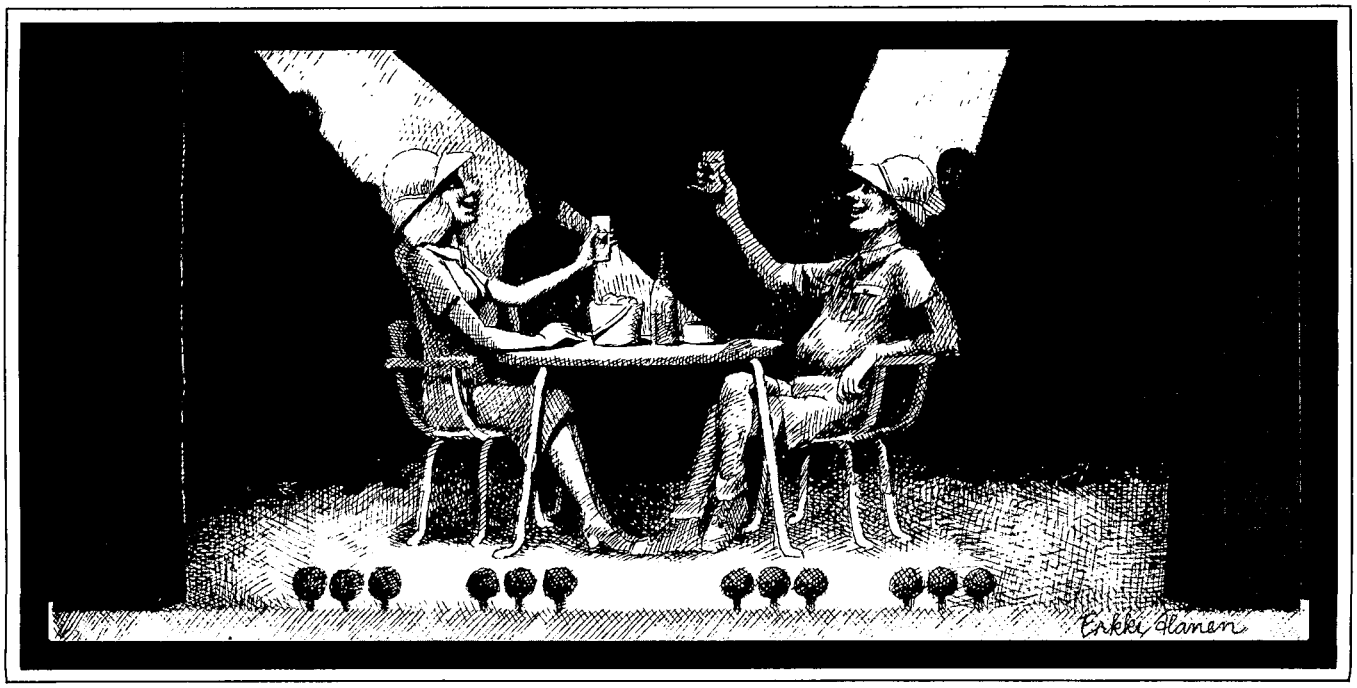
ELAINE WINDRICH

ROBERT BLAKE, THE BRITish Conservative Party historian probably best known for his biography of Disraeli, has presented his long-awaited *History of Rhodesia* at a particularly appropriate time. Even as recently as 1974, when publication was expected, there was relatively little general interest in the subject, particularly on this side of the Atlantic. While the Rhodesian problem has been a major preoccupation of British governments for at least the past 13 years, in the United States it was virtually ignored until Dr. Kissinger's abortive attempt to solve it by shuttle diplomacy in September 1976. Since then Rhodesia has become a matter of international concern, prompting a deluge of commentary in the press and in periodicals, much of it based on inadequate knowledge or experience of the situation in that country. Thus this book is essential reading, if only as a useful corrective.

ELAINE WINDRICH is the author of The Rhodesian Problem, 1923–1973 *and a forthcoming work,* Britain and the Politics of Rhodesian Independence.

On the subject of Southern Rhodesia, as the British colony is properly called, there are no neutral authors, and Lord Blake is no exception to this rule. Although he owes his life peerage as baron of Braydeston to the Conservative government of Edward Heath, his criticisms of the Ian Smith regime are completely at odds with the views of most of his own party. This does not mean, however, that he supports the other side. On the contrary, he has virtually no interest in the aspirations of the overwhelming majority of the Rhodesian population, namely the Africans. They appear, in the early history, as colorful tribal figures, rather like those depicted in the South African government's slick advertisements for tourism and investment in "sunny South Africa." In Blake's account, after the "Dark Age monarch," Lobengula, is swindled out of his kingdom by the agents of Cecil Rhodes and the subsequent rebellions of the Ndebele and the Shona are ruthlessly suppressed, the Africans more or less fade from the scene. They become shadowy figures, inhabiting a strange and forbidding landscape. The Europeans react to their presence, at least in a negative sort of way, but the Africans remain passive spectators of the power game from which they are excluded. When their leaders emerge in the 1950s to challenge that exclusion, their aspirations remain equally unexplained.

It was an ambitious task to undertake a survey of Rhodesian history from 5000 B.C. to June 1977. Most authors who have written about the colony have restricted themselves to various episodes or to limited periods of time. However, Lord Blake has concentrated his attention on what he regards as "the main turning points" in modern Rhodesian history: the occupation of



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Salisbury in 1890 by the Pioneer Column sponsored by Cecil Rhodes's Chartered Company; the choice of the white settlers in 1923 for self-government under the British Crown rather than union with South Africa; the creation of a Central African Federation in 1953 to extend white settler control to the Northern Territories, including the wealth of the Copperbelt; and the decision in 1965 to "go it alone" with a unilateral declaration of independence (UDI) from Britain.

Apart from the main turning points, the history of Southern Rhodesia from the end of the rebellions (1896) to the beginning of the Federation (1953) is, as Lord Blake oddly puts it, simply "not very interesting." Why this should be so, however, he never indicates, except for a reference to the dullness of the inhabitants (meaning the whites) who settled there, most of them after the Second World War. They were people of "some modest means," he explains, but "people who did not see a clear way ahead in their own country." Their way of life was not altered by the economic boom generated by a white economy based on cheap and plentiful black labor. In spite of one of the highest living standards in the world (for whites only), Rhodesia remained "a cultural desert." Lord Blake says: "It never threw up as a by-product of its prosperity any sign of intellectual, literary, or artistic life." Nevertheless, white rule was always justified in the name of maintaining "civilized standards"; and with this rationalization, one of the largest educated black elites in Africa was effectively excluded from political participation.

Lord Blake also fails to accept the white self-image of the rugged frontiersman combating the hostile elements of nature in a struggle for survival. In accordance with the Land Tenure Act (1969)—which was the capstone to a long history of white confiscation of lands from the blacks—half of the country's land has been reserved for 250,000 whites; and it is the half containing most of the fertile areas, the urban centers, and the main lines of transport and communication. Despite this, only about 5000 families actually live on farms, which they are able to operate only because landless Africans are available as farm labor. White Rhodesians, irrespective of income, are overwhelmingly city folk, with an average of two black servants to every household, and most of them have not even taken up the land that has been denied to the 6.5 million blacks.

THERE IS NO DISPUTING Lord Blake's claim to an understanding of "the outlook of the white settlers," which he finds remarkably similar to that of the Southern secessionists before the American Civil War. He has interviewed their leaders and he has had exclusive access to the private papers of four Rhodesian prime ministers. His sympathies appear to lie with those "who have a conscience and a sense of their obligation to improve the lot of the African population among whom they so incongruously dwell." Presumably, these are the members of the old ruling Establishment which governed the colony for most of its history. But if they subscribed to the Victorian principle of "improving the lot of the African," there is little evidence that they applied it while they were in office. Sir Godfrey Huggins, for example, who held the Empire record for longevity by remaining prime minister for over 20 years, was noted for his definition of "partnership" between European and African—it resembled, he said, the relationship of rider and horse. By the time the old Establishment was relegated to the proverbial dustbin of history by the new Rhodesian Front Party, largely representing the smaller farmers, artisans, and Afrikaners, the groundwork had already been laid for the application of the Front's policies of racial segregation and repression.

For Blake, the Africans are shadowy figures, inhabiting a forbidding landscape.

For Lord Blake the real Rhodesian problem has always been: Which whites should decide the fate of the blacks, those in power in London or those in control in Salisbury? Throughout the colony's history the whites have struggled to preserve the power conferred upon them, first by the Chartered Company and then by the British Crown. The success of their efforts can be measured by the fact that whereas a mere two percent of the population exercised self-government in 1923, the figure had risen to only three percent in 1978.

Nevertheless, the whites in Rhodesia never felt entirely secure in the exercise of their power. There was always the British connection and the possibility of intervention to challenge the status quo. That the British did not do so was all the more remarkable because the "reserve powers" which they retained after 1923 entitled them to intervene to protect "native interests." Over the four decades during which this principle applied, Rhodesian governments proceeded to establish a system of "separate development" which adversely affected every aspect of "native interests." But the British adhered to the convention of noninterference, and by 1961 even the reserve powers had been surrendered. Short of revoking the whole constitutional system it had conferred, which would require a resort to force, Britain could not alter the situation prevailing in its "self-governing colony."

Under these circumstances, how does one account for the UDI in 1965, when the white minority already had full control of its own internal affairs? This is not merely an academic question, since the old Establishment (Blake's "men of conscience") opposed the illegal action on that very ground. Was it worth incurring the wrath of the world community, and with it the severance of diplomatic relations and the application of economic sanctions, in order to sever the British connection? Lord Blake's answer is that the Rhodesian Front considered UDI as "an essential preliminary" for the introduction of full-scale apartheid on the South African model of Bantustans. Since the British would grant independence only if "unimpeded progress towards majority rule" were guaranteed (the famous Five Principles), there was never any real possibility of bridging such irreconcilable objectives.

What requires some explaining, however, is why it took over a decade of negotiations to discover this obvious fact. According to Lord Blake, "For Ian Smith negotiation was not a matter of compromise, but of wearing down one's opponent till he concedes all the points at issue that matter." This is exactly what happened in 1971, when the British foreign secretary, Sir Alec Douglas-Home, conceded an agreement which conferred independence under virtually permanent white rule.

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But Rhodesian opinion had to be tested, and the African verdict was overwhelmingly "no."

WHAT, THEN, DOES LORD Blake foresee as a way out of the deadlock? Certainly he is not optimistic, because Ian Smith, in his view, is "the epitome and symbol of the white Rhodesian ascendancy caste" and "his objective has never ceased to be the preservation, as long as possible, of their dominant position." That he represents the vast majority of the white electorate cannot be disputed, since every election since 1965 has given his party all of the 50 white seats. Nevertheless, those elections have taken place in a society in which strict censorship prevails and radio and television operate under Rhodesian Front control. From the outset, the Smith regime established a powerful propaganda machine, under the direction of Mr. Pieter van der Byl (by all accounts the most personally and politically offensive member of the Rhodesian Front) and a South African crony named Ivor Benson. As Lord Blake explains their techniques: "Theories were propounded of the hopeless and inherent inferiority of Africans and the danger of a worldwide conspiracy against Rhodesia consisting not only of Communists, independent African States, and international financiers, but also comprising the Fabian Society, the London School of Economics, the BBC, the American Peace Corps, the State Department, the World Council of Churches, the World Bank, UNESCO," and so on. After 14 years of official "information," white opposition to the Rhodesian Front amounted to about 3000 voters.

While Lord Blake offers no easy solution to the Rhodesian problem, in revealing the realities of the white power structure he has provided the framework for understanding what the conflict is all about. "The racial question," as he puts it, "is the only one which has mattered in Rhodesia for the last quarter of a century." Ironically, for someone who has "tried to get some insight into the mentality of the Rhodesian Africans" but obviously failed, he has presented them with the best possible documentation for their case against white rule. By Lord Blake's criteria, the recent internal settlement in Rhodesia, because it preserves the essence of white control, will not succeed in bringing an end to a conflict which has its roots in the history he has so lucidly related. ❑

THE KOREAN WAR: A 25-Year Perspective, edited by Francis H. Heller. Regents Press of Kansas, 251 pp., $13.00.

Saving a domino

BARTON J. BERNSTEIN

IN JUNE 25, 1950, NORTH AND South Korea went to war. Charging the Communists with aggression, President Harry S. Truman committed American forces to save South Korea—without bothering to ask for a congressional declaration of war, and thus setting a dangerous precedent. During the summer, the American military commitment mushroomed, and by late September General Douglas MacArthur had liberated most of the South. On October 7, his forces crossed the 38th Parallel, but in late October they unexpectedly encountered about 40,000 Chinese Communist "volunteers." A week later, most of the Chinese troops seemed to have disappeared, and America resumed the offensive—to push toward the Yalu, to defeat the remaining North Korean forces, and to unify Korea.

But a massive Chinese onslaught in late November blocked these plans and radically changed the military situation. While European allies pleaded for serious peace negotiations, American leaders, fearing defeat, considered a number of alternatives: withdrawing from Korea, seeking a cease-fire without substantial concessions, or taking the war across the Yalu to China.

American troops were pushed southward, but they managed to stay in Korea. Early the next spring, when they had again liberated South Korea, MacArthur sabotaged the administration's plan to offer peace negotiations. Truman cashiered him, and the war continued. Not until July 1951 did the combatants begin negotiations; an armistice was not achieved for two more years.

These events have raised many questions of assessment and analysis. How did America become involved in Korea at the end of World War II? Why did the administration withdraw its troops from Korea in June 1949, but then reverse its policy and return in June 1950 to defend the Republic of Korea (ROK)? Who started the war? Why did the United States, despite China's warnings, cross the 38th Parallel in October and march toward the Yalu? Why didn't the United States try seriously to negotiate a settlement in December after China entered the war? What was the nature of the Truman-MacArthur controversy? Why did the truce negotiation drag on for two years? Was American intervention in the Korean conflict a precedent for the Vietnam War?

To reconsider the Korean War, in May 1975 the Harry S. Truman Library Institute (a private organization intimately connected with the federally owned Truman Library) sponsored a conference of scholars, archivists, and Truman-period officials. Included were W. Averell Harriman, Truman's special assistant; Clark Clifford, a close adviser; John Snyder, secretary of the Treasury; John Muccio, ambassador to Korea; Lucius Battle, assistant to Secretary of State Dean Acheson; General Matthew Ridgway, MacArthur's successor in Korea; and General J. Lawton Collins, army chief of staff. They talked about the war, listened to lectures by Clifford and Harriman, and discussed three of the four scholarly papers presented. The edited transcript, as well as the lectures and four papers, constitute this volume, which was put together by Francis Heller, one of the ghostwriters of Truman's *Memoirs*.

To avoid offending administration stalwarts, the conference excluded both MacArthur supporters and Cold War revisionists—except one, Robert Simmons, author of *The Strained Alliance* (1975), whose provocative paper went undiscussed. Thus, there were little more than genial reminiscences and polite dialogues among conference participants, who tried to stay comfortably within the consensus on Truman and to refurbish his administration's tarnished image.

Unfortunately, the participants began their discussions with the events of 1950 and did not probe American policy toward Korea in the important, still largely unexamined, earlier period. When Japan surrendered in August 1945, well before American leaders had

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expected, the GIs were far from Korea. The Soviets could easily have swept through the Korean peninsula, accepted the surrender of the Japanese army, and occupied the entire country. Instead, Stalin acceded to an American request that the United States be allowed to accept the surrender and thus occupy the area up to the 38th Parallel. It is likely that the Soviets yielded because they expected a quid pro quo—a role in the postwar occupation of Japan. They were, however, barred from Japan.

*A FEW CONFERENCE PARTIC*ipants endorsed the key interpretation that Simmons and others have advanced: the Korean War must be understood primarily as a civil war between the North and South, and not as a Soviet-instigated attack. There is no evidence that Stalin planned the attack; what evidence there is suggests that he reluctantly but warily agreed when Kim Il Sung, leader of the Democratic People's Republic of Korea (DPRK), initiated the idea. It appears, then, that American officials badly misinterpreted the war in viewing it as a Soviet-planned attack, possibly betokening more adventurism elsewhere. Why did they err? Probably because they were still addicted to the theory that all Communist states (except Yugoslavia) were "puppets of the Kremlin."

Ambassador Muccio reminded the conference that the war erupted after a series of border clashes. "There were as many incursions from the South into the North as there were from the North. That is something that the [American] press did not say too much about." Unfortunately, Muccio was not questioned about why American leaders interpreted the conflict as a Soviet challenge, and not as a civil war; nor, for that matter, was he asked why the American press had been so silent on South Korean incursions against the North.

Who started the war in June? Along with most scholars, including many revisionists, the conference participants assumed that the DPRK, not the ROK, initiated the attack. Evidence about the first few hours of conflict remains flimsy; each Korea has charged the other with responsibility for starting the war. The indirect evidence from troop movements and from the logic of the military situation does indicate, overwhelmingly, that the DPRK launched the attack (a conclusion supported by Khrushchev's later testimony).

Some historians have argued that the DPRK had expected its attack to unleash a revolution in the South and speedily topple Rhee's government. Despite the Communist-led insurrections in 1949, that anticipated revolution did not develop. In fact, there was surprisingly little insurrectionary activity in the South during the war's early months—as recently declassified American intelligence reports reveal—probably because the ROK had smashed Communist networks in late 1949 and early 1950. Muccio suggested that the Southerners may have failed to report these defeats to the DPRK. If that was so, it may explain why the DPRK still expected a revolution.

Like MacArthur, Acheson and the Joint Chiefs considered expanding the war to China; nuclear weapons might be used if there were suitable targets.

Why did Truman commit troops in June 1950 after withdrawing them from Korea just a year earlier? The conference participants addressed only portions of this important question, but others have suggested the outlines of an answer. In 1949, despite some State Department doubts, American military leaders secured withdrawal because Korea was not deemed an area of strategic value, the defense budget was low and troops were needed elsewhere, and a North Korean attack seemed unlikely—except as part of an all-out war with the Soviet Union. But in 1950, when the attack occurred, Truman and his advisers interpreted it as a Soviet challenge and concluded, as the President explained, that Korea in 1950 "is the Greece of the Far East." If the aggression was not stopped, the Soviets would be emboldened elsewhere—Iran, Germany, perhaps Yugoslavia. And Japan, the linchpin of American policy in the Far East, would also be weakened by the triumph of Communism in Korea. Put simply, Korea was the first of the dominoes.

The day that Truman committed the first American troops to Korea, high-ranking officials worried about Soviet or Chinese intervention. According to recently declassified minutes, George Kennan, the author of the containment doctrine, said that the Soviets probably would not start a war, but "if [they] got into a world war now they would have stumbled in, and in the long run this might be the best situation for us." He advised that "if we caught the Chinese in South Korea, we could . . . even bomb in Manchuria." Major-General Richard Lindsay, a member of the Joint Chiefs of Staff planning staff, warned that "if we bomb in Manchuria with conventional bombs, we would lose some of our capability of using atomic weapons if they became necessary."

WHY DID THE AMERICAN forces cross the 38th Parallel in October 1950? The conference overlooked this important question. The answer is that American leaders savored the prospect of unifying Korea, knew that the DPRK army was near defeat, and concluded that the chief danger was Soviet (not Chinese) entry into the war. When the Soviets did not offer menacing warnings, the venture looked reasonably safe. The possibility of Chinese entry was only an occasional source of anxiety, and easily dismissed.

Many of the conference participants, and especially General Collins, the former army chief of staff, repeated the familiar but unfair charge that MacArthur alone was responsible for the debacle of November 1950 (massive Chinese intervention). The grounds for this charge are that MacArthur disobeyed orders by using American troops in the northernmost Korean provinces, miscalculated the Chinese strength in Korea, and had mistakenly assured Truman that China would not enter the war and in any case could not get many troops across the Yalu. These

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former Truman officials conveniently forgot some unpleasant facts: that the President and the Joint Chiefs of Staff had a month to countermand MacArthur's order if they wished, but did not do so; that China had repeatedly warned that she would intervene in the war if the United States crossed the 38th Parallel, and Truman and Acheson had arrogantly dismissed these warnings; and that administration leaders continued to believe—even after the small-scale entry of Chinese "volunteers" (October 25–November 6)—that China would not intervene in any massive way. Despite China's warnings, administration leaders concluded that it had no reason to fear American soldiers near its border. The administration and MacArthur made quite comparable errors; the general alone cannot be blamed for the failure of American policy.

Truman did not bother to ask for a declaration of war from Congress, thus setting a dangerous precedent.

Some of the conference participants correctly stressed that the Truman-MacArthur controversy was *not* a struggle for civilian control of the military. MacArthur and his staff were in the minority within the military; the Joint Chiefs backed Truman, and Ridgway and other high-ranking generals deemed MacArthur to be insubordinate, reckless, and dangerous. MacArthur was simply an unusually arrogant general who challenged *both* military and civilian authority.

When in November 1950, 300,000 Chinese troops converted the conflict into what MacArthur dispiritedly called "an entirely new war," American leaders rejected serious efforts at a settlement, despite the pleas of European allies. The reason, as Acheson explained, was that the United States could not negotiate from a position of weakness. By December 8, General George C. Marshall, Truman's secretary of Defense, concluded that disaster had been averted, and that America could hold a line in Korea. He said (in the paraphrase of an associate), "Chinks don't have supplies and are being frozen out . . . as they get further south, they can be beaten up throughout Korea." Marshall concluded, "[We] shouldn't let ourselves be pushed into negotiations."

THE CONFERENCE'S TREATMENT of MacArthur evaded a startling fact: Acheson and the and the Joint Chiefs, like MacArthur in 1950 and 1951, had considered expanding the war to China. At a meeting in Washington in January 1952, for example, Acheson told Winston Churchill that if an armistice was not soon achieved, the administration would begin bombing China. General Omar Bradley, chairman of the Joint Chiefs, sought to allay some of Churchill's fears by explaining that nuclear attacks were not planned—there were "no suitable targets." According to the official summary, Bradley added, "If the situation changed *in any way,* so that suitable targets were presented, a new situation would arise." (Emphasis added.) Such words, still suggesting the possibility of nuclear attack, could not have been very comforting to the anxious prime minister, who worried about Washington's bellicosity.

There is another important issue—one better known—which no one at the conference focused on: Why did the armistice negotiations drag on for 17 months over the question of voluntary versus forced repatriation of POWs? Was this the real issue stalemating a settlement, or was it a pretext? Recently declassified materials have revealed considerable information on the problem of repatriation; it actually was the question that blocked an agreement. When Truman and Acheson first insisted upon no-forced repatriation, they hoped that approximately 16,000 North Korean and Chinese prisoners, perhaps 10 or 15 percent, would refuse to go home. That would have constituted a dramatic Cold War triumph for the United States, emphasizing that Communist regimes were repressive and unpopular, and encouraging Communist defections in future wars.

American leaders did not foresee that nearly 55,000 prisoners (including 15,000 Chinese) would refuse repatriation, and that China would not accept the loss of so many. By then, Truman was unwilling to retreat on what he defined as a moral principle, and he probably also feared an attack at home for "selling out freedom" if he sought to back away from the issue. America's European allies rightly mistrusted the screening of POWs, often conducted by "goon squads" from Chiang's and Rhee's armies, who beat and killed POWs seeking repatriation. When China charged the United States with bullying POWs and cheating in the screening, the administration denied the accusations and even denied that there were Nationalist Chinese forces present in Korea.

THE TRUMAN ADMINISTRATION, like Lyndon Johnson's in later years, seemed to believe that it could force the enemy to concede by conducting an air war of attrition. As Secretary of Defense Robert Lovett told the cabinet in late 1952, "If we stay firm, we can tear them up by air." The other part of this strategy was to train more ROK forces in order to cut American casualties—a kind of "Koreanization." Nevertheless, the war dragged on into mid-1953, when, after Stalin's death, U.S. nuclear threats against China, and the bombing of key irrigation dams in North Korea, the Communists acceded to American demands.

Many of the Truman people at the conference anxiously insisted that America's armed intervention in the Korean War did not constitute a precedent for the later military entry into the Indochina War. They conveniently forgot the contributions that the Truman administration and some of its key personnel made: the administration bankrolled much of the French effort in Vietnam; Truman secretly promised the French that "we would not let Indochina fall into enemy hands"; and Acheson, Clifford, Dean Rusk (Truman's assistant secretary of State for Far Eastern Affairs), and Truman himself were among the strong supporters of escalating intervention under Kennedy and Johnson. When Clifford and Acheson finally shifted after the 1968 Tet disaster, they did so not because they questioned the containment doctrine which they had helped shape from 1945 to 1947, but because the cost of the war had become too high. Just as they had refused to commit troops to "save" China during the 1947–1949 period, because the price was exorbitant, in 1968 they concluded that America could no longer afford the price of its massive involvement in Vietnam. ❑

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BLUE JOLTS, edited by Charles Steir. New Republic Books, 245 pp., $8.95.

No clean hands

PETER ROGER BREGGIN

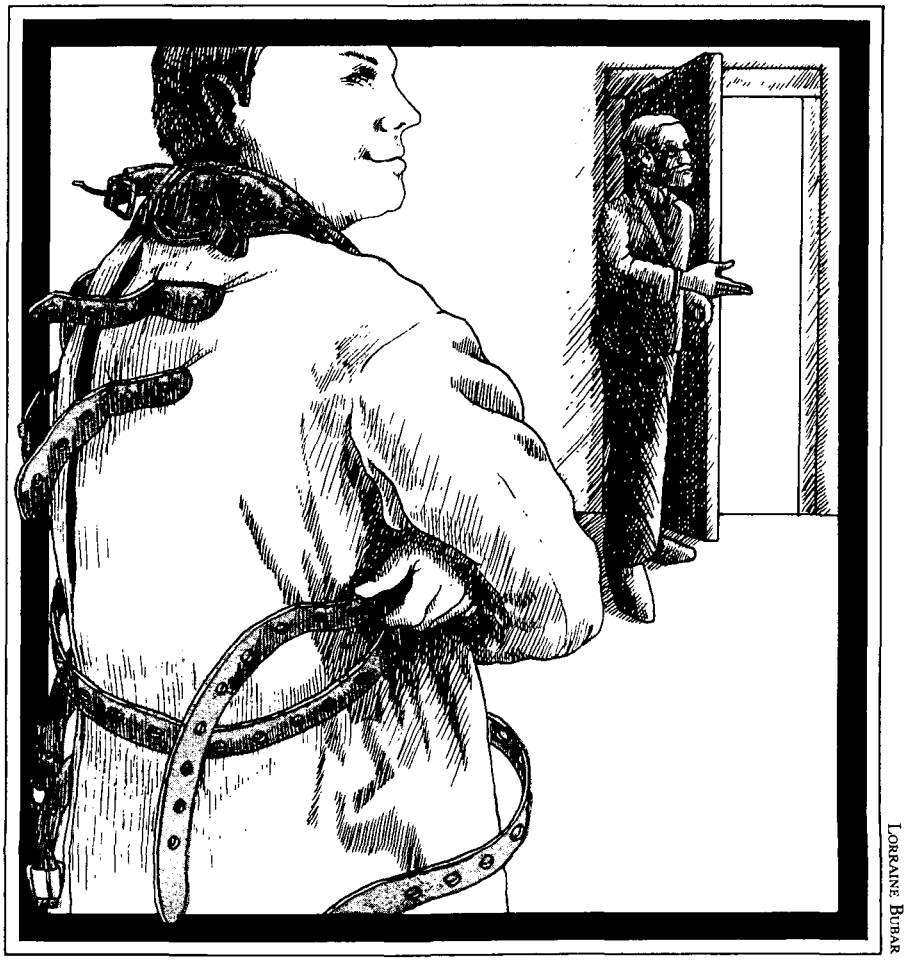
CHARLES STEIR, THE EDITOR of *Blue Jolts*, is a fan of Thomas Szasz, to whom he dedicated the book. It is a collection of accounts of psychiatric hospitalization and treatment written by inmates, friends, family, psychiatrists, and other interested parties. The selections are short, relevant, and interesting. Many are written by or about famous people who came to grief at the hands of psychiatrists: Earl Long, Ernest Hemingway, Antonin Artaud, Russian dissident Valery Tarsis, and poets Carl Solomon and Ezra Pound.

Steir's comments are brief, but pithy. He is against involuntary treatment in principle, and his selections amply illustrate and prove his position. But the selections in his book make another point which may or may not be near to Steir's heart: Psychiatric inmates as a group are no more ethical than their psychiatrists. Both the keepers and the kept alike suffer from bad ethics. In America at least, the victims of psychiatry often devote themselves full-time to their helpless roles, doing everything in their power to bully others into taking over their lives.

The unethical conduct of the victims in no way absolves those who respond to their practiced helplessness by encouraging them to be *more* helpless. The potential inmates' own self-oppressive and often oppressive conduct does not justify the conduct of those psychiatrists who imprison them, drug them, shock them, and cut them up. These psychiatrists make their living much as con men make theirs—by preying upon human weakness. Only by understanding the unprincipled conduct of both parties—oppressor and oppressed, con man and victim, or psychiatrist and inmate—do we get a full picture of the problem.

Perhaps the best illustration of the above is found in a brief description by A. E. Hotchner of Ernest Hemingway's conduct just prior to his second psychiatric hospitalization at the Mayo Clinic, and his subsequent death by suicide. Hemingway has let his life deteriorate and has given up responsibility for himself. He has previously been subjected to electroshock at the Mayo Clinic, and he refuses to return. But he plagues his friends and family with irrational complaints and fears, and with suicidal gestures and threats. Finally, he consents to return to Mayo under pressure from his concerned and frightened friends, but at the last minute, he puts them into an unbearable position by trying to kill himself while they are entering his home. Once airborne, he risks the lives of his companions by trying to throw himself out the cabin door; after the plane has landed, he tries to walk into the propeller, and the person who rescues him is nearly maimed. This brief description makes the moral elements that constitute the picture unmistakably clear: It is a question, not of any "disease," but of Hemingway's own irresponsibility, the pressure he puts on friends and relatives to save him, his own resentment of their ambivalent responses to this pressure, his vilification of the psychiatrists and subsequent surrender and consent to be returned to them, and his suicidal gestures or attempts which nearly take the lives of others as well.

HEMINGWAY'S COMPLAINT about his psychiatrists highlights another dismal theme of these excerpts. He doesn't rage against psychiatric treatment in principle as a crime against humanity; he resents it as a personal abuse of himself, whom he sees as deserving of more than ordinary treatment. Of his shock doctors, he says that they don't understand writers, and that they ought to be made to take courses in creative writing. Too many psychiatric victims resent the treatment meted out to them but take no umbrage over the mistreatment of "ordinary" mental patients. This is not Steir's viewpoint, and it is in no way a complaint against the book. The book does its job all too well. It portrays the



LORRAINE BUBAR

PETER ROGER BREGGIN is a psychiatrist in private practice in Bethesda, Maryland. His published works include two novels dealing with psychiatric abuse, The Crazy from the Sane *and* After the Good War.

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kind of people who get involved in the psychiatric game—psychiatrists, patients, and the families of patients—and few of them come up smelling good.

Ezra Pound is another sterling example of the character of many psychiatric inmates. Pound was caught by the Allies in Italy toward the end of World War II and returned to the United States, charged with treason for making pro-Fascist radio broadcasts in Italy. In order to avoid a politically embarrassing trial, the United States government opted to have Pound declared insane. The psychiatrists testifying for the state were, as usual, on the side of the state, and Pound was committed to St. Elizabeth's Hospital in Washington, D.C., a federal psychiatric facility in the tradition of large, inhumane state mental hospitals. Poet Charles Olson, reporting on a visit to Pound at the hospital, is more aware than most of the complexity of Pound's relationship to his psychiatrists. He is disgusted by Pound's Nazi-like attacks on Jews and Jewish doctors when Jews are the ones trying to help him out. He marvels that Pound uses the same "medical nonsense" as Hitler to declare the Jews inferior. But Olson himself seems unaware of the irony in the fact that similar "medical nonsense" is being used against Pound himself in declaring him "mentally ill."

Even the psychiatric reformers don't come off too well when their statements are closely examined. Liberal psychiatrist David Viscott complains mightily about the abuse of a young patient under his care who is kept in the hospital against Viscott's wishes in order to serve as a research subject. Yet Viscott fails to condemn involuntary treatment in principle, and fails to take a stand on the side of his patient when his own career is placed in jeopardy.

I myself can make no claim to saint-hood when, as a psychiatric resident-in-training, I was placed in situations similar to Viscott's. I was vociferous enough in criticizing many aspects of psychiatric treatment, and I spoke out in principle against involuntary treatment. I also did my best to avoid coercing my patients. But when my career was on the line, I did not refuse absolutely to participate in any of the activities I had criticized. Had I taken such a stand, I would have been fired, as one of my friends was fired. Psychiatry brooks no criticism. Psychiatry is a corrupt and corrupting institution, as *Blue Jolts* documents in poignant detail. ❑

FILM

***PRETTY BABY*, directed by Louis Malle.**

Directing at a distance

STEPHEN HARVEY

IT'S AN ODD PARADOX THAT a director as gifted as Louis Malle has never received the attention he deserves for precisely the same reason his work is so intriguing—namely, his almost perverse versatility. Too many film aficionados prize above all those filmmakers whose favorite subject is their own tired old psyches unreeled year after year; certainly Malle's more noted New Wave confreres have, for better or worse, favored variations on the same themes which animated their youthful triumphs. Consistency, however, is one thing Malle has never been accused of, and with reason. After the woozy eroticism of his first success, *The Lovers,* Malle turned to knockabout surrealism with *Zazie.* Since then he's forayed into existentialism *(The Fire Within),* antic vaudeville *(Viva Maria),* Truffaut-esque bourgeois chronicles *(Murmur of the Heart),* and murky allegory *(Black Moon),* plus one somber elegy on the vicissitudes of history *(Lacombe, Lucien)*—not to mention an occasional distinguished detour into documentary *(Phantom India, Calcutta).*

Malle's willingness to take chances is what makes each new film of his such an event; still, I can't honestly say I've been awaiting his latest with breathless anticipation. *Pretty Baby* marks Malle's English-language film debut, as well as his first American production, and the precedents already set this year by Bergman and Wertmuller have been rather daunting, to say the least. If anything, the French have found the moviemaking climate here particularly unpropitious—at one time or another, directors from Varda and Demy to Lelouch and Bourguignon have each traversed the Atlantic and here met their celluloid Waterloos. One after another must have felt that the challenge of beating this apparent jinx was too tempting to pass up, but the result wasn't often worth the effort expended. Curiously enough, with *Pretty Baby* Malle seems to have capitulated before the first camera was turned. Although his meticulous technique is abundantly in evidence, the film is so distanced and emotionally muddled that it gives the appearance of having been directed in absentia.

While *Pretty Baby*'s subject—the nurturing of a 12-year-old prostitute in World War I New Orleans—is pretty audacious stuff, for Malle it's not really such a radical departure. A detached curiosity about the travails of adolescence, sexual and otherwise, has surfaced before in his work, always filtered through the cool sensuality of his images. Malle has never bothered to assume a stern moral tone when it comes to the nether reaches of eros. Although it now seems a bit quaint, 20 years ago *The Lovers* was considered pretty scabrous indeed, both for its soft-core explicitness and for the implied message that an adulterous affair was probably the best thing that ever happened to the film's heroine (played by Jeanne Moreau). In *Murmur of the Heart,* Malle even managed to make the notion of mother-son incest seem rather sweet and cozy.

Yet if *Pretty Baby* really does resemble any of his past work, it comes closest to *Lacombe, Lucien.* Just as with the teenaged Nazi collaborator in that film, the fate of the nymphette Violet in *Pretty Baby* is entirely shaped by circumstance. The bordello is the only world she's ever known, and it is one in which childhood is merely a long stage wait before the material rewards of puberty finally begin to arrive. Thus, it's only natural for Violet to while away her life longing for the day when she can successfully vie with Mommy for the favors of the Johns downstairs.

We've already seen a modern-day treatment of this character via Jodie Foster's Iris in Scorsese's *Taxi Driver.* But while Iris joined the game to find

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NORMAND COUSINEAU

affection, Violet is too self-absorbed for that—what she's after is adulation. Malle's sole triumph in *Pretty Baby*—a not inconsiderable one—is his detailed portrait of this petulant child with illusions of trollopy maturity. Moreover, the casting of a preteen model named Brooke Shields for the title role was an inspiration. Shields's lush, dark eyebrows, angular cheekbones, and rosebud mouth make her the most ravishing child-woman the movies have seen since the teenaged Elizabeth Taylor, and there's something almost frighteningly genuine about the sluttish self-confidence which sparks every move she makes on screen. Together she and Malle create moments of real quicksilver insight—for instance, her squeal of delight, followed by a pose of affronted hauteur, when her most persistent admirer presents her with a porcelain doll.

IT'S A PITY THAT THE FILM which surrounds Shields's intricate character turned out to be so inert. The script, taken loosely from autobiographical accounts of the period, was written by Polly Platt, heretofore known for her art direction on four of Peter Bogdanovich's projects. As a screenwriter, Platt makes a terrific production designer. The movie spends an inordinate amount of time exploring the tatty, brown-hued opulence of Violet's pleasure palace, to the detriment of the tenuous plot and the development of the characters. As Violet's avid, wide-eyed mother, Susan Sarandon is at least lively as she pouts, drawls, and flounces about like some Tennessee Williams ingenue, but her energy only underscores the anemic languor that seems to have afflicted everyone else concerned with the film, Malle included. He pauses so frequently for long close-ups of purportedly significant gestures or bits of decor that all momentum is dissipated, while his performers dawdle over the dialogue as though they were as unfamiliar with the idiom as he presumably is. For all the footage lavished on them, the assembled *filles de joie* have scarcely a distinguishing trait between them (apart from a Teutonic type named Frieda who has far too many), while Frances Faye plays the absinthe-drenched dreadnought who runs the place rather like Mae West without comic timing.

The most glaring offender (or victim) is Keith Carradine, whose acting range seems to diminish with each successive film. Carradine's Bellocq is a sexually repressed photographer who is captivated by Violet; otherwise, his life is spent in quest of that exact gradation of light which will transform the jaded doxies into blossoming odalisques. The intention is to make Bellocq somewhat enigmatic to the viewer, but on the evidence of Carradine's fixed repertoire of damp stares it's the actor who finds him so. The character comes off as a faded tintype of all those sensitive weaklings out of the pages of authors from Maugham through Nabokov, hoisted with the petard of their misdirected lusts. The movie briefly turns promising—if only because the locale changes temporarily—when Violet decides to play house with this combination father figure, lover, and Pygmalion, but it all disintegrates into a straight-faced send-up of *Of Human Bondage*, with Violet naughtily smashing Bellocq's photographic plates while he stands by looking pained.

It all might have had some purpose if Malle had opted for irony or emphasized the queasy horror inherent in the subject, but in the end *Pretty Baby* doesn't even have the courage of its perversions. Having seized upon such a sensational topic, Malle shies away from its more lurid implications—the movie is a sly tease from the very first shot, in which Violet is seen utterly fascinated as an offscreen woman moans with what seems to be ecstasy but eventually turns out to be labor pains. The movie's peculiar chasteness may have been motivated in part by practical considerations; even nowadays a movie dealing graphically with pedophilia might have trouble getting released, at least by a major studio like Paramount. Yet I suspect that the real reason has more to do with Malle's glacial detachment toward his material, a quality which he's always had but probably never to such a pronounced degree. Without any overt editorializing, his camera manages to record the sequence in which Violet is literally served up on a platter to the highest bidder, then retreats discreetly into a hallway during the act of consummation—after all, how could *that* be captured dispassionately? Many people will be understandably relieved at *Pretty Baby*'s relative circumspection, but there's something truly exploitative about the pose of objectivity Malle has assumed here. If the film has one underlying thesis it is that all moral values are relative to the situation, and it's far easier to sway audiences on that score when they're not forced to witness a climactic March-December clinch.

Although the film's flaccid rhythms might have been remedied if Malle had been working in his own language, I doubt that his viewpoint would have proved clearer under any circumstances. The most heartening thing about *Pretty Baby* is the fact that, based on his past record, Malle's next project is bound to be something entirely different. ❏

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DANCE

Smiles of a winter's night

THOMAS RUSSELL III

*THE NEW YORK CITY BAL-*let's winter season is rarely its most interesting. A month of *Nutcrackers* takes its toll on audience interest and company energy. It's a grand ballet, a city tradition—last year's mid-December musician's strike, timed to hit the company where it would hurt the hardest, was viewed popularly as a strike against Christmas, even a plot against children. *The Nutcracker* does give younger members of the company easy access to a variety of roles—something that rarely happens in a single ballet in the same season—and it is the easiest possible introduction to ballet for thousands of bright-eyed little girls and their grumpy but obliging mothers. But a dancer's lifeblood is his or her training in, and experience of performing, many works in a variety of styles. Any ballet performed as a company's exclusive fare for some 40 performances (imagine an opera company giving a similar run of *Aidas*!) can only lead to hardening of the arteries all around.

In a sense, *The Nutcracker,* although it's their bread and butter, is an anomaly for the company. The City differs from most traditional ballet companies, which tend to function more or less as museums for the classic, mainly Russian, ballets. Instead, the City thrives on new work, particularly on the outpourings of its prolific director, the great George Balanchine. Trained in the classic Russian court tradition, often a neoclassicist, Balanchine is still most centrally a modernist; indeed, Hilton Kramer has said that since the death of Stravinsky and Picasso, Balanchine is the only indisputably great living artist in any medium.

Because of *The Nutcracker,* this seemed to be a season of consolidation more than of any major advance. In general, the dancers shone in roles in which they had always excelled. And some of the most difficult works (like *The Four Temperaments*) seemed to elicit the company's best. Last year's *Vienna Waltzes* already looks underenergized, however, and thus even sillier than it used to; it seems an exercise in rampant pictorialism, and one wonders why Balanchine did it. That kind of "visual beauty" is not what ballet is about; a fleet of sailboats is more graceful, and ultimately more interesting. But even in a confection like Balanchine's *Tzigane,* a holdover from the Ravel festival a few years back, Suzanne Farrell has sharpened her characterization of the vicious little soubrette to enlarge both her seductiveness and menace. Farrell's partner, Peter Martins, has risen to match her. He's the only one in the company who's unquestionably man enough for her.

In fact, the Farrell-Martins team has come in recent years to represent many of the strengths of the NYCB, including the perfection of its classicism and its unity as a company. A useful comparison is between City's production of Jerome Robbins's *Other Dances* and that of the American Ballet Theatre. Robbins originally choreographed the ballet for ABT, and specifically for Baryshnikov and Makarova. But despite the Russian dancers' acknowledged greatness, and even though they trained together with the Kirov and are still friends, they never quite made a partnership. They are still two individual stars, while Farrell and Martins make a couple. One suspects that this is mainly because of Martins. His approach to the role is gallant, even self-sacrificing. But since Martins is the most electrifyingly gorgeous male dancer before the public today, the sacrifice may be easier. He has more presence and strength even in repose than anyone I've seen on the stage; he certainly must know that he could attract the audience's full attention whenever he wanted to by doing nothing more than standing up straight.

At any rate, like a blocker in football, who must have a sixth sense for the position and direction of the runner behind him, Martins must anticipate his partner's needs with hairbreadth accuracy. Knowing when to support his partner, how much support to give her, where to catch her after a blind leap—these are a great male dancer's skills. In a sense, Martins's ability is ultimately most important as inspiration to Farrell's confidence—her speed and accuracy are only enabled by a phenomenal trust that her partner will be there when she needs him. And, for Farrell, only Martins can create that trust. (Some years ago, Eric Porter and Ian Holm had a climactic duel in a Shakespeare play, a duel that involved a mace and chain. Porter told an interviewer that he and Holm were so attuned that he could swing his weapon to within half an inch of Holm's face and know by Holm's reaction whether to draw back, or whether it was safe to get even closer.) Such a high degree of trust is essential for a leading couple in ballet, and Farrell and Martins convince me they have more of it than any other pair. It creates a particular kind of oneness that makes an otherwise minor ballet like *Other Dances*—another Chopin piano ballet—so enthralling. The dance is not a ballet about a combination of steps; it communicates the various possibilities implicit in the idea of partnership itself.

Martins's ability is an inspiration to Farrell's confidence—her skill depends on her trust that he will be there when he's needed.

THOMAS RUSSELL III teaches, humanities at Yale University and was editor of On Film *magazine.*

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PROBABLY BECAUSE THE necessary conditions for success were lacking, I was completely unimpressed by Ghislaine Thesmar, this year's victim of an exchange program with the Paris Opera Ballet, now run by Violette Verdy, a former Balanchine protégée. The exchange program sounds like a nice idea, but it isn't working. The City Ballet is not an ABT and should not assume it can plug any random international star into ballets, especially into a style that requires several years of in-company training and acculturation. The City does have some excellent imports, notably a number of Scandinavians among its men, but dancers like Martins, Helgi Tomasson, and Peter Schaufuss are here on a semi-permanent basis, and they are expected to grow with the company and into its styles and repertory. Busing someone in for a week or two defeats the company's purposes and violates its stated aim of developing as a company rather than as an agglomeration of stars.

Dancing opposite Martins in Robbins's *In G Major,* Thesmar took Farrell's role but never managed to take her place. It's an ingratiating ballet, with the two principals langorously playing off a jazzier chorus—more precisely, with the *idea* of the union implicit in a pas de deux rubbing against the greater strength and lesser personality of a chorus. Thesmar's dancing, cool and distant—and painfully uninvolved with her partner—was precisely wrong. If you have to fly truffles in from Paris, give them a nice little solo turn somewhere; don't bust up one of the great partnerships in ballet.

Of NYCB's other leading dancers, the wondrous Patricia McBride was in fine form, but she didn't dance often enough, perhaps because she hasn't yet found the perfect partner. A product of Balanchine's training, McBride's style doesn't mesh well with that of her husband and frequent partner, Jean-Pierre Bonnefous. Helgi Tomasson, a more severe classicist than Bonnefous—and thus closer to McBride—still seems a bit distant, because too respectful. Although the confidence is there, demonstrated in McBride's backward leaps into Tomasson's arms in *Coppélia*, the excitement of oneness is missing. Their section of *Vienna Waltzes* never catches fire and is too easily forgotten.

Merrill Ashley, widely hailed in one of Balanchine's new works, *Ballo della Regina,* seemed to me here, as usual, overrated. Her snappy footwork and flashing arms are the epitome of one kind of dancing Balanchine seems to be favoring these days. But it's all in the extremities. Her feet and ankles are dazzlingly nimble, but they have no necessary relation to the rest of her. Her motion seems to originate only past her elbows and ankles. In ballet, movement, and especially energy, should be seen to come from the center, from within rather than without. Ashley's reversal of this effect gives her a particularly blockish and inexpressive torso; we feel she could do the steps as easily with the rest of her body in a harness, and that's a feeling we shouldn't get.

Among the other women, the most promising seems to me the underused Nina Fedorova. Once you've seen her in *Brahms/Schoenberg Quartet,* or as the regal lead in *Firebird,* she seems out of place in the chorus line, her more usual habitat. There her facility and especially the expansiveness of all her work—easy back kicks in *Coppélia* that are a good foot higher than anybody else's—serve only to unbalance the line. But since she's big and dramatic, with long arms and legs, I suspect the management hasn't figured out what to do with her yet. Although she's another of the company's strict classicists, perhaps her power scares them. But after Merrill Ashley's pinched face and Marcel Marceau frozen smile, Fedorova's sunny countenance and easy enjoyment of dancing are urgently welcome. Balanchine ought to use her more.

If consolidation, or something approaching a holding action, seemed to describe the company as a whole, the men in general were an exception. Although I didn't catch Balanchine's *Kammermusik No. 2,* one of his rare ballets for a male rather than female chorus, I can understand why he wanted to do it. NYCB's men have been growing in strength and style in recent years, and I suspect that the company's next generation of male stars will be made up of men trained and rehearsed almost entirely by Balanchine. That was largely true for his first generation (men like d'Amboise and Villella), though not of the current cast of Scandinavian and French imports. But the rise of dancers like Adam Luders and Bart Cook, Victor Castelli and Robert Weiss, and of younger dancers like Sean Lavery (himself something of an anomaly—trained in America, but not by Balanchine) bodes well for the future of the company, and indeed, for the future of American ballet in general. This is perhaps most true of Daniel Duell, who shows great energy, silken fluidity, and a more and more refined classicism in everything he does, from *The Four Temperaments* to the lead Candy Cane in *Nutcracker.* Tomasson, Schaufuss, Bonnefous, and Martins have been valuable (and these days, necessary) additions to the NYCB's roster, but only when comparable male dancers can be home-grown—as a number of ballerinas have been—will American ballet be as firmly established as its European counterparts. ❏

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LETTERS

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Paul Goodman's influence

THANK YOU FOR THOSE articles about Paul Goodman [*INQUIRY*, Mar. 6, 1978]. We need to keep his memory and his work alive.

I never met Paul until the late 1960s, when he was already tired, discouraged, and embittered—in many cases, for good reasons. What he may have been like earlier in his life, when more full of energy and hope, I do not know. George Dennison once described Paul at a softball game, relaxed, drinking beer, making comments about everything. I would like to have seen him at such a place and in such a frame of mind. When I did see him, it was always at conferences or meetings.

But I have to say that on such occasions Paul could be and usually was an extremely difficult man. Emile Capouya says that "Goodman's manners in debate were generally exemplary." Not when I saw him; he was more often than not combative, overbearing, often contemptuous, and even unfair. He had an infuriating habit of interrupting you with a smile that had nothing amused or friendly in it. I once saw him address a meeting of young people who greatly admired him and his ideas. It seemed to me that—for reasons I did not understand but can now guess at—he was deliberately trying to turn them against him, and to get them to make exaggerated statements which he might more easily shoot down. A strange performance. But then, by that time his son had died, and I think it is no more than the literal truth to say that it broke his heart.

Late in his life Paul spent some time with Ivan Illich. He had, I believe, a great influence on Illich and his colleagues, and helped them to see that the complaints they had been making about various aspects of modern society were all part of a deeper complaint. In this way Paul had a great influence on the current, and I think very important, decentralist movement in politics, even though a great many of the people in it may not have read any of his books. I think his ideas will live powerfully in one form or another, even if his name and his works are forgotten.

JOHN HOLT
Boston, Mass.

Property and free speech

IN HIS LETTER TO THE EDITOR [*INQUIRY*, Mar. 6, 1978], Mr. Rowland raises several interesting questions. His quest for a "principle which takes logical precedence over the principle of free speech" is of vital importance to all libertarians.

Mr. Hentoff's reply, that the principle of free speech is logically derived from the principle of self-preservation of the public, is hardly convincing. The self-preservation of the state has long been used as a fundamental principle to justify endless anti-libertarian measures such as censorship of the press, Prohibition, criminalization of marijuana, placement of Japanese in concentration camps in World War II—not to mention the comical classification of state documents "in the interests of national security." Mr. Hentoff's reply is unnecessarily vague in differentiating between saying and doing ("The distinction . . . while sometimes blurry, is usually clear enough."), and he resorts to Justice Holmes's inexact utilitarian principle of "clear and present danger."

The right to free speech is, indeed, absolute and inviolate, but its justification must rest on something more robust than the preservation of a republic or the so-called public good. To argue in collectivistic terms for such a highly individualistic right as that of free speech borders on the obscene.

Recognizing that free speech is a subcategory of the more radical right of human beings to own property may be the first step by civil libertarians in bringing property rights back into the fold.

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The right to boycott

IN RESPONDING TO THE LETTER from Thomas Rowland—[*INQUIRY*, Mar. 6, 1978] Nat Hentoff concludes with a bizarre reference to what he calls "Anita Bryant's right to say what she pleases without being economically punished through a boycott of her employer." This shows considerable confusion about basic civil liberties issues.

While the First Amendment certainly gives Ms. Bryant the right to express her views (no matter how poisonous, bigoted, or featherbrained they may be), it does not guarantee her (or anyone else) immunity from the consequences of such expression.

Gays and their supporters who boycott Florida orange juice are exercising freedom of choice in allocating their resources so as to bring pressure to bear on those who would oppress them. The Constitution in no way exempts Ms. Bryant for such legitimate pressure.

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For Nat Hentoff's response, see his column in this issue.–EDITORS

A litmus test

*A TRUE LITMUS TEST IS AP*proaching for the ACLU: the soon-to-be-introduced anti-handgun bill of the Carter administration. If the Bureau of Alcohol, Tobacco, and Firearms of the U. S. Treasury is further empowered to intimidate, harass, and literally attack innocent dealers in firearms (plus numerous unoffending collectors as well), then the die will be cast for a national police force.

Frankly, I expect the little summer soldiers of the ACLU [*INQUIRY*, Mar. 20, 1978] to stand at attention whenever an obscure First Amendment issue is touched on, the *de rigueur* pattern of ACLU for some time. But let's see what they really are committed to when hated Second Amendment concepts are at issue; and, more important, when the First Amendment rights of gun owners are involved.

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